

Also, memorial of the Travelers' Protective Association, in favor of amending the bankruptcy laws—to the Committee on the Judiciary.

Also, petition of C. B. Parsons, president of the Maritime Association of the Port of New York, calling the attention of the Rivers and Harbors Committee to the importance of completing the work at Point Judith Harbor—to the Committee on Rivers and Harbors.

By Mr. LITTLE: Petition and memorial of Leroy Noble, to accompany bill H. R. 16126, for the relief of Leroy Noble—to the Committee on Invalid Pensions.

By Mr. LLOYD: Petition of A. F. Bumpus and others, asking for increase of pension for Henry J. Otto, of Kirksville, Mo.—to the Committee on Invalid Pensions.

Also, petitions and affidavits to accompany application of Sarah J. Ridgeway for pension—to the Committee on Pensions.

By Mr. LOVERING: Petition of Woman's Missionary Society of Mansfield, Mass., in favor of a constitutional amendment prohibiting polygamy—to the Committee on the Judiciary.

By Mr. McCALL: Petition of the Warren Avenue Baptist Church, of Boston, Mass., in favor of an investigation by this Government of conditions in Kongo State—to the Committee on Foreign Affairs.

By Mr. McMORRAN: Petition of citizens of Michigan, in favor of a constitutional amendment prohibiting polygamy—to the Committee on the Judiciary.

By Mr. McNARY: Petition of Susan E. Cheney and others, of Boston and Dorchester, in favor of a constitutional amendment prohibiting polygamy—to the Committee on the Judiciary.

By Mr. NEEDHAM: Resolution of the Chamber of Commerce of San Francisco, relative to the barkentine *Andromeda*—to the Committee on the Merchant Marine and Fisheries.

Also, resolution of the Chamber of Commerce of San Francisco, relative to enlarging the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Chamber of Commerce of San Francisco, relative to the port of Honolulu, Hawaii—to the Committee on Rivers and Harbors.

Also, resolution of the chamber of commerce of San Francisco, relative to the harbor of Oakland—to the Committee on Rivers and Harbors.

Also, resolution of the chamber of commerce of San Francisco, relative to the erection of a military depot in San Francisco—to the Committee on Military Affairs.

Also, resolution of the chamber of commerce of San Francisco, relative to proposed improvements at the Presidio Military Reservation—to the Committee on Military Affairs.

By Mr. ROBINSON of Indiana: Petition of A. D. Morse and 25 other citizens of Butler, Ind., in favor of bill H. R. 13778, known as the Hearst bill, to enlarge the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, affidavit to accompany bill granting an increase of pension to John C. Caton, captain Company F, One hundred and fifty-second Regiment Indiana Volunteers—to the Committee on Invalid Pensions.

By Mr. RUSSELL: Petition of several citizens of Texas, asking that an increase of pension be granted to James McCorkle, formerly a member of Company K, First United States Naval Volunteer Engineers—to the Committee on Invalid Pensions.

By Mr. RYAN: Petition of the Maritime Association of New York, favoring improvements at Point Judith Harbor—to the Committee on Rivers and Harbors.

Also, resolution of the chamber of commerce of Buffalo, N. Y., favoring the introduction of the pneumatic-tube system in Buffalo, N. Y.—to the Committee on the Post-Office and Post-Roads.

By Mr. SHEPPARD: Petition of J. V. McDaniel, of Pecan Gap, Tex., for payment for property confiscated by the Union Army in 1863—to the Committee on War Claims.

By Mr. SIBLEY: Papers to accompany bill to increase pension of William P. Johnson—to the Committee on Invalid Pensions.

Also, resolution of Pomona Grange, No. 10, of Warren County, Pa., asking for establishment of a parcels post—to the Committee on the Post-Office and Post-Roads.

Also, resolution of Pomona Grange, No. 10, of Warren County, Pa., against repeal of the Grout Act—to the Committee on Agriculture.

By Mr. SPERRY: Petition of citizens of New Haven, Conn., favoring a report of statistics relating to marriage and divorce laws—to the Committee on the Judiciary.

By Mr. STERLING: Papers to accompany bill H. R. 16423, for relief of Emma Hunter—to the Committee on Invalid Pensions.

By Mr. THOMAS of North Carolina: Papers to accompany bill for relief of the heirs of Dr. J. B. Owen, deceased—to the Committee on War Claims.

By Mr. WARNOCK: Papers to accompany bill H. R. 16168, for relief of Isaiah H. McDonald, late lieutenant, United States Army—to the Committee on Military Affairs.

By Mr. WEBB: Papers to accompany bill to correct the military record of James A. Sams—to the Committee on Military Affairs.

By Mr. WOOD: Petition of Hightstown (N. J.) Grange, No. 96, Patrons of Husbandry, favoring bill H. R. 13778—to the Committee on Interstate and Foreign Commerce.

SENATE.

WEDNESDAY, December 14, 1904.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

COMMITTEES OF THE SENATE.

Mr. HALE. Mr. President, I rise to present a privileged resolution, which I ask may have immediate consideration.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the membership of the after-named committees, for the present Congress shall be as follows, to take effect December 15, 1904:

On the Judiciary.—Messrs. Platt of Connecticut (chairman), Clark of Wyoming, Fairbanks, Nelson, McComas, Depew, Mitchell, Spooner, Bacon, Pettus, Culberson, Blackburn, and Patterson.

On Interoceanic Canals.—Messrs. Mitchell (chairman), Platt of New York, Millard, Kittredge, Dryden, Hopkins, Knox, Morgan, Carmack, Talliaferro, and Gorman.

On Organization, Conduct, and Expenditures of the Executive Departments.—Messrs. Allee (chairman), Wetmore, Beveridge, Allison, Knox, McLaurin, Blackburn, Carmack, and Stone.

On Agriculture and Forestry.—Messrs. Proctor (chairman), Hansbrough, Warren, Foster of Washington, Dolliver, Quarles, Burnham, Bate, Money, Simmons, and Latimer.

On Appropriations.—Messrs. Allison (chairman), Hale, Cullom, Perkins, Warren, Wetmore, Gallinger, Elkins, Cockrell, Teller, Berry, Tillman, and Daniel.

On Canadian Relations.—Messrs. Fulton (chairman), Dryden, Hale, Fairbanks, Crane, Tillman, Bailey, Clark of Montana, and Clarke of Arkansas.

On Coast Defenses.—Messrs. Knox (chairman), Hawley, Alger, Ball, Ankeny, Heyburn, Culberson, Talliaferro, Clay, Simmons, and Foster of Louisiana.

On Commerce.—Messrs. Frye (chairman), Elkins, Nelson, Gallinger, Penrose, Depew, Perkins, Foster of Washington, Quarles, Alger, Hopkins, Berry, Martin, Clay, Mallory, Foster of Louisiana, and Stone.

On Cuban Relations.—Messrs. Burnham (chairman), Platt of Connecticut, Aldrich, Mitchell, Kittredge, Hopkins, Clapp, Teller, Money, Talliaferro, and Simmons.

On Engrossed Bills.—Messrs. Cockrell (chairman), Clapp, and Dick.

To Examine the Several Branches of the Civil Service.—Messrs. Clapp (chairman), Ball, Smoot, Crane, Culberson, Simmons, and McCreary.

On Indian Affairs.—Messrs. Stewart (chairman), McCumber, Bard, Clapp, Gamble, Clark of Wyoming, Long, Dillingham, Knox, Morgan, Dubois, Clark of Montana, Teller, Stone, and Overman.

On Indian Depredations.—Messrs. Dick (chairman), Beveridge, Dillingham, Dietrich, Smoot, Long, Bacon, Martin, Berry, Pettus, and McLaurin.

On Mines and Mining.—Messrs. Scott (chairman), Stewart, Kearns, Heyburn, Dick, Tillman, Clark of Montana, Clarke of Arkansas, and Newlands.

On Naval Affairs.—Messrs. Hale (chairman), Perkins, Platt of New York, Penrose, Gallinger, Burrows, Dick, Tillman, Martin, McEnery, and Blackburn.

On Post-Offices and Post-Roads.—Messrs. Penrose (chairman), Dolliver, Beveridge, Mitchell, Proctor, Burrows, Scott, Burton, Crane, Clay, Culberson, Talliaferro, Simmons, and Gorman.

On Privileges and Elections.—Messrs. Burrows (chairman), McComas, Foraker, Depew, Beveridge, Dillingham, Hopkins, Knox, Pettus, Dubois, Bailey, Overman, and Clarke of Arkansas.

On Public Buildings and Grounds.—Messrs. Fairbanks (chairman), Warren, Scott, Quarles, McCumber, Wetmore, Crane, Culberson, Simmons, Clay, Stone, and Latimer.

On Rules.—Messrs. Spooner (chairman), Aldrich, Elkins, Lodge, Teller, Cockrell, and Bacon.

On Territories.—Messrs. Beveridge (chairman), Dillingham, Nelson, Bard, Burnham, Kean, Dick, Bate, Patterson, Clarke of Arkansas, and Newlands.

SELECT COMMITTEE.

On Industrial Expositions.—Messrs. Crane (chairman), Hawley, Hansbrough, Lodge, Clapp, Alger, Fulton, Daniel, Cockrell, Carmack, Gibson, McCreary, and Newlands.

ELECTORAL VOTES.

The PRESIDENT pro tempore laid before the Senate communications from the Secretary of State, transmitting the final ascertainment of electors for President and Vice-President for the States of West Virginia and Kentucky; which, with the accompanying papers, were ordered to be filed.

PENSION OFFICE FORCE.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting certain information relative to a reduction of the force in the Pension Office as proposed by the legislative, executive, and judicial appropriation bill for the fiscal year 1906 as passed by the House of Representatives, etc.; which, on motion of Mr. GALLINGER, was referred to the Committee on Appropriations, and ordered to be printed.

FINDINGS OF COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Preston Lodge, No. 47, Ancient, Free, and Accepted Masons, of Jonesville, Va., v. The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of J. W. Howett, administrator of William Howett, deceased, v. The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented resolutions adopted at a meeting of sundry citizens of California, held at San Francisco, Cal., favoring the ratification of international arbitration treaties; which were referred to the Committee on Foreign Relations.

Mr. FORAKER presented petitions of the Damascus Farmers' Institute, of Garfield; of Jackson Grange, No. 403, of Farmersville; of Bainbridge Grange, of Bainbridge; of the local council of Delhi; of the Farmers' Institute of Holmesville; of the Franklin Farmers' Institute, of Groveport; of the local council of Reading; of Union Grange, No. 62, of Thompson; of sundry citizens of Miami; of the local council of College Hill; of the general assembly of Ohio; of the board of trustees of Columbia; of sundry citizens of Crosby; of Columbia Grange, No. 1451, of Columbiana; of the Patrons of Husbandry of Crawford County; of Marlboro Grange, No. 1401, of Marlboro; of the Patrons of Industry of Chandlersville; of the Farmers' Mutual Protective Association of Carryall, and of sundry citizens of Arabia, Columbus, Lockland, Coshocton, Brandt, Cincinnati, Newark, Toledo, Amesville, Fremont, Hilliards, Akron, Mechanicsburg, Clermontville, McConnelsville, Harts Grove, Marietta, Cambridge, Dayton, Waterville, Groesbeck, Plainfield, Archbold, Norwich, Swanton, Chagrin Falls, New Philadelphia, Uhrichsville, Middleport, Wooster, Millersburg, Millersport, Milford, and Cleveland, all in the State of Ohio, praying for the enactment of legislation providing for the construction of good roads throughout the country; which were ordered to lie on the table.

Mr. GALLINGER presented a petition of the congregation of the First Baptist Church of Nashua, N. H., praying for an investigation into the conditions of the Kongo Free State; which was referred to the Committee on Foreign Relations.

Mr. SCOTT presented a petition of the Equal Suffrage Association of Wheeling, W. Va., praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which was referred to the Committee on Territories.

He also presented a petition of the congregation of the Presbyterian Church, the Young People's Society of the Presbyterian Church, and the Ladies' Aid Society of the Methodist Episcopal Church, all of Waverly, in the State of West Virginia, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. WETMORE presented a petition of the Rhode Island State Federation of Woman's Clubs, praying for the passage of the so-called "pure-food bill," which was ordered to lie on the table.

He also presented a petition of the South Lawn Improvement Society, of Pawtucket, R. I., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

Mr. SMOOT presented petitions of the National Woman's Relief Society of Weber County; the Young Ladies' National Mutual Improvement Association of Salt Lake City; the Dix Logan Woman's Relief Corps, of Ogden; the Woman's National Relief Society of Hyrum, Third Ward; the Relief Society Pioneer Stake, of Salt Lake County; the Woman's National Relief Society of Paradise Ward, and of the Woman's National Relief Society of Hyrum, First Ward, all in the State of Utah,

praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which were referred to the Committee on Territories.

Mr. ANKENY presented a petition of the Chamber of Commerce and Board of Trade of Tacoma, Wash., praying for the ratification of international arbitration treaties; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Grand Camp of the Arctic Brotherhood of Alaska, praying for the enactment of legislation granting representation in Congress to Alaska; which was ordered to lie on the table.

He also presented a petition of sundry citizens of Wenatchee, Wash., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

Mr. DOLLIVER presented a petition of Creston subdivision, No. 642, Brotherhood of Locomotive Engineers, of Creston, Iowa, praying for the enactment of legislation to prohibit the employment of locomotive engineers who have not had at least three years' experience; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the congregation of the Methodist Episcopal Church of Arthur, Iowa, and a petition of the Epworth Seminary, of Epworth, Iowa, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented a petition of the Commercial Club of Muscatine, Iowa, praying for the enactment of legislation providing for the deepening of the Mississippi River to a 6-foot channel from St. Paul, Minn., south; which was referred to the Committee on Commerce.

He also presented a petition of the Salvation Army of Des Moines, Iowa, praying for the enactment of legislation to create the colonization bureau and to provide for advances to actual settlers on the public domain; which was referred to the Committee on Public Lands.

He also presented the memorial of A. D. Wescott and sundry other citizens of Spencer, Iowa, remonstrating against the enactment of legislation providing for the closing on Sunday of certain places of business in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Evangelical Association of Grand Junction, Iowa, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented petitions of the Woman's Christian Temperance Unions of Chariton, Edgewood, Orchard, Missouri Valley, Burlington, Central City, Atlantic, New Sharon, Marshalltown, Sac City, and Deloit; of the Political Equality Club of Des Moines; of the Professional Woman's League of Des Moines; of the Woman's Protest Committee of Hull; of the Equal Rights Club of Nora Springs; of the Woman's Club of Dubuque; of the Political Equality Club of Sioux City; of the Civic Club of Oelwein; of the Woman's Suffrage Club of Shellrock; of the Equal Suffrage Associations of Decorah, Boone, and Des Moines; of Henrietta Curtis and sundry other citizens of Greene; of the Ellis Political Study Club, of Iowa Falls; of D. O. Forbes and sundry other citizens of Elgin; of C. J. Cary and sundry other citizens of Atlantic; of the congregation of the Presbyterian Church of Ida Grove; of Laura Lovett and sundry other citizens of Ida Grove; of the Woman's Missionary Society of the First Presbyterian Church of Jefferson, and of the Mothers' Club of West Liberty, all in the State of Iowa, praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which were referred to the Committee on Territories.

Mr. KEARNS presented a memorial of the legislature of Utah, relative to the annexation to the State of Utah of that portion of Arizona Territory lying north of the Colorado River; which was referred to the Committee on Territories, and ordered to be printed in the RECORD, as follows:

House joint memorial.

Memorial to the Congress of the United States, asking that that portion of Arizona Territory lying north of the Colorado River be annexed to the State of Utah.

To the honorable Senate and House of Representatives of the Congress of the United States:

Whereas that portion of the Territory of Arizona lying north of the Colorado River, by reason of its geographical position, is cut off from said Territory and the benefits of local or other government, and said river operates as an impassable barrier, separating such portion from the rest of the Territory and rendering communication between the inhabitants of the subdivisions almost impossible, thus depriving the inhabitants of the territory north of said river of the benefits of local or Territorial government; and

Whereas such inhabitants have their interests in common with the people of Utah, and all their associations and dealings with the latter, and it is desired by them that said area north of said river be detached from Arizona and annexed to the State of Utah; and

Whereas such area is deprived of water and other resources by which alone it can be developed or become valuable, and its physical conditions are such that its future development, either in population or wealth, is impossible, and it can be used only for grazing purposes, so that its segregation from the counties and Territory of which it is now a part will prove of no disadvantage to them; and

Whereas the greater portion of the property, both real and personal, within such area is owned by the inhabitants of the State of Utah, and the value of the property within such section will not increase because of the scarcity of water and the absence of resources therein, and the greater portion of the property therein consists of cattle, horses, and sheep, which graze in Utah and within such section, crossing and recrossing the boundary line, so that it is impossible either for the State of Utah or the Territory of Arizona to obtain revenue by assessment or otherwise from such property; and

Whereas by reason of such area being isolated from the rest of the Territory of Arizona, it is impossible to administer the laws of said Territory, or enforce the criminal statutes, or the legal ordinances or provisions, or preserve peace and order; as a result of which criminals rendezvous therein and obtain immunity from prosecution; and

Whereas such area, by reason of its physical situation and of the interests of the people owning property therein, should belong to the State of Utah, and its annexation to the State of Utah would be productive of the greatest good to all interests, and would be of advantage to the people residing in and who are interested in said tract of land, the majority of said residents having petitioned the Congress of the United States to annex said tract to the State of Utah: Therefore, be it

Resolved by the senate and house of representatives of the State of Utah and the governor concurring, That your honorable body be, and are hereby, asked and petitioned to enact the necessary legislation in order that the tract of country in Arizona Territory lying north of the Colorado River be annexed to and become a part of the State of Utah, and the making of said river the boundary line between the State of Utah and the Territory of Arizona.

THOMAS HULL,
Speaker of the House.
EDWARD M. ALLISON, Jr.,
President of the Senate.

Approved this 28th day of February, 1903.

HEBER M. WELLS, *Governor.*

Mr. KEARNS. When the proper order is reached, I shall introduce a bill to carry out the purpose of the memorial.

Mr. MCCOMAS presented a petition of the Maryland Anti-Saloon League and a petition of the Baltimore Yearly Meeting of the Religious Society of Friends, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Indian Territory when admitted to statehood; which were referred to the Committee on Territories.

Mr. PLATT of Connecticut presented a petition of the Board of Trade of Derby and of the Board of Trade of Shelton, in the State of Connecticut, praying for the enactment of legislation authorizing the use of free alcohol in the arts and manufactures; which was referred to the Committee on Finance.

Mr. HEYBURN presented sundry papers to accompany the bill (S. 5643) for the relief of the estate of Mrs. E. R. Morris, deceased; which were referred to the Committee on Claims.

He also presented a paper to accompany the bill (S. 5645) for the relief of William H. Morris; which was referred to the Committee on Claims.

CHANGE OF REFERENCE OF PETITIONS.

Mr. FORAKER. Yesterday I presented certain petitions relating to the enactment of legislation to regulate the interstate transportation of intoxicating liquors, and asked that they be referred to the Committee on the Judiciary. After they had been sent to the desk the Secretary suggested that they ought to go to the Committee on Interstate Commerce and I consented to that change of reference. I now find that the bill to which the petitions have relation has been referred to the Judiciary Committee. I therefore send them to the desk again and ask that the reference made yesterday may be changed and that they be referred to the Committee on the Judiciary.

The PRESIDENT pro tempore. There being no objection, the Committee on Interstate Commerce will be discharged from the further consideration of the petition, and they will be referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. LODGE, from the Committee on Foreign Relations, to whom was referred the bill (S. 3313) to amend section 1706 of the Revised Statutes, reported it without amendment, and submitted a letter from the Secretary of State to the chairman of the Committee on Foreign Relations on the subject; which was ordered to be printed.

Mr. BURNHAM. From the Committee on Forest Reservations and the Protection of Game, I present a report to accompany the bill (S. 2327) for the purchase of a national forest reserve in the White Mountains, to be known as the "National White Mountain-Forest Reserve," which has heretofore been reported from that committee. I ask that there be printed 2,500 copies of the report for the use of the committee, in addition to the regular number.

Mr. GALLINGER. I suggest to my colleague that it might be well to have an equal number of additional copies of the bill likewise printed.

Mr. BURNHAM. Very well.

Mr. GALLINGER. The bill and report.

The PRESIDENT pro tempore. The Senator from New Hampshire asks that 2,500 additional copies of the bill and report be printed. The Chair hears no objection, and that order is made.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (S. 5396) for the relief of Caroline Murtagh, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was recommitted the bill (S. 1779) for the relief of Caroline Murtagh, widow of the late William J. Murtagh, formerly proprietor of the National Republican, of Washington, D. C., reported adversely thereon, and the bill was postponed indefinitely.

COMPILATION OF NAVAL APPROPRIATION LAWS.

Mr. HALE. I report from the Committee on Naval Affairs a Compilation of Annual Naval Appropriation Laws from 1883 to 1904, including provisions for the construction of all vessels of the "New Navy." I move that it be printed as a document, and referred to the Committee on Naval Affairs, and that 300 additional copies be printed for the use of the Navy Department.

The motion was agreed to.

REPORT OF SUPERINTENDENT OF INDIAN SCHOOLS.

Mr. PLATT of New York, from the Committee on Printing, reported the following resolution; which was considered by unanimous consent, and agreed to.

Resolved, That there be printed for the use of the Department of the Interior 1,500 additional copies of the Report of the Superintendent of Indian Schools for 1904.

EXECUTIVE REGISTER OF THE UNITED STATES, 1789-1902.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the concurrent resolution submitted on the 12th instant by Mr. LODGE, reported it without amendment; and it was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed from existing stereotype plates, and bound in cloth, 1,500 copies of the Executive Register of the United States, 1789 to 1902, of which 500 copies shall be for the use of the Senate and 1,000 copies for the use of the House of Representatives.

ADDITIONAL CLERK TO COMMITTEE ON POST-OFFICES AND POST-ROADS.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted on the 12th instant by Mr. PENROSE, reported it without amendment; and by unanimous consent it was considered, and agreed to, as follows:

Resolved, That the Committee on Post-Offices and Post-Roads be, and it is hereby, authorized to employ an additional clerk, who shall be a stenographer, at an annual salary at the rate of \$1,440 per annum, to be paid from the contingent fund of the Senate until otherwise provided for by law.

AMERICAN NATIONAL RED CROSS.

Mr. CULLOM. I am directed by the Committee on Foreign Relations, to whom was referred the bill (S. 5704) to incorporate the American National Red Cross, to report it favorably without amendment; and I ask for its present consideration.

The Secretary read the bill.

Mr. BAILEY. I simply desire to ask if the bill makes this a District of Columbia corporation?

The PRESIDENT pro tempore. It does.

Mr. BAILEY. I have no objection to it.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

PAY OF OFFICERS AND EMPLOYEES.

Mr. ALLISON. I report back without amendment from the Committee on Appropriations the joint resolution (H. J. Res. 176) to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1904, on the 20th day of said month, which was referred to the Committee on Appropriations yesterday. It is the usual joint resolution, and I ask for its present consideration.

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. SCOTT introduced a bill (S. 6069) for the relief of the trustees of the Methodist Episcopal Church South, of Charleston, W. Va.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6070) granting an increase of pension to Robert J. Dennis; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6071) granting an increase of pension to Isaac D. Winters; which was read twice by its title, and, with an accompanying paper, referred to the Committee on Pensions.

Mr. PENROSE introduced a bill (S. 6072) granting an increase of pension to Siatha Bennett; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6073) granting an increase of pension to Daniel Carter; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. ANKENY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6074) granting an increase of pension to William Smith;

A bill (S. 6075) granting an increase of pension to Samuel M. Jones; and

A bill (S. 6076) granting an increase of pension to James B. Clark.

Mr. ELKINS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6077) granting a pension to Thomas F. Hebb;

A bill (S. 6078) granting a pension to Mary A. Parks;

A bill (S. 6079) granting an increase of pension to John T. Haskins (with an accompanying paper);

A bill (S. 6080) granting an increase of pension to John Holley (with an accompanying paper); and

A bill (S. 6081) granting a pension to America Lawrence.

Mr. ELKINS introduced a bill (S. 6082) for the relief of the county court of Randolph County, W. Va.; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6083) referring to the Court of Claims the claims of the lock tenders, lock masters, and assistant lock masters on the St. Marys Falls Canal, Kanawha River locks, and Monongahela River locks; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6084) for the relief of George W. Green; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. McCUMBER introduced a bill (S. 6085) granting an increase of pension to Leonard Delamater; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALGER introduced a bill (S. 6086) granting a pension to George L. Van Dyne; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6087) granting an increase of pension to Salmon S. Matthews; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GALLINGER introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on the District of Columbia:

A bill (S. 6088) authorizing the closing of part of an alley in square No. 733 in the city of Washington, D. C.;

A bill (S. 6089) to authorize certain changes in the permanent system of highways, District of Columbia; and

A bill (S. 6090) for the opening of a connecting highway between Water Side drive and Park road, District of Columbia.

Mr. GALLINGER introduced a bill (S. 6091) granting an increase of pension to William Welch; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6092) granting an increase of pension to Elijah W. Gordon; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DILLINGHAM introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6093) granting a pension to Mary A. Sands;

A bill (S. 6094) granting an increase of pension to Ephraim W. Harrington; and

A bill (S. 6095) granting an increase of pension to Miranda W. Howard (with an accompanying paper).

Mr. DIETRICH introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6096) granting an increase of pension to Charles Grass;

A bill (S. 6097) granting an increase of pension to Thomas M. Clark;

A bill (S. 6098) granting an increase of pension to Seth Lewis (with accompanying papers);

A bill (S. 6099) granting an increase of pension to Dempsey Ferguson;

A bill (S. 6100) granting an increase of pension to Robert S. Pettijohn;

Mr. DOLLIVER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6101) granting an increase of pension to Charles M. Wittig (with an accompanying paper);

A bill (S. 6102) granting an increase of pension to Silas A. Reynolds (with an accompanying paper);

A bill (S. 6103) granting a pension to Rebecca E. Collins (with an accompanying paper);

A bill (S. 6104) granting an increase of pension to John Chase (with an accompanying paper);

A bill (S. 6105) granting a pension to Ellis C. Helmer (with an accompanying paper);

A bill (S. 6106) granting an increase of pension to A. H. Slocum;

A bill (S. 6107) granting an increase of pension to Emma Mudgett;

A bill (S. 6108) granting an increase of pension to Ellen Quinn;

A bill (S. 6109) granting an increase of pension to John Allman;

A bill (S. 6110) granting an increase of pension to David M. Caviness;

A bill (S. 6111) granting an increase of pension to Emily Peterson;

A bill (S. 6112) granting an increase of pension to Joseph Gregory; and

A bill (S. 6113) granting an increase of pension to Jacob Shannon.

Mr. DOLLIVER introduced a bill (S. 6114) removing charge of desertion from Robert Redmon, alias Jordon R. Redmon; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HEYBURN introduced a bill (S. 6115) granting an increase of pension to Edmund B. Kanada; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 6116) granting an increase of pension to Francis M. Sams; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MONEY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 6117) for the relief of the estate of the late James Makoy (with an accompanying paper);

A bill (S. 6118) for the relief of the trustees of the Methodist Episcopal Church South, of Phoenix, Miss.; and

A bill (S. 6119) for the relief of the estate of John Epperson, deceased (with accompanying papers).

Mr. DUBOIS introduced a bill (S. 6120) for the relief of the legal representatives of Samuel Schiffer; which was read twice by its title, and referred to the Committee on Claims.

Mr. McCREARY introduced a bill (S. 6121) granting a pension to Granville C. West; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6122) for the relief of the trustees of the Christian Church of Crab Orchard, Ky.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. KEARNS introduced a bill (S. 6123) to annex all that portion of Arizona lying north of the Colorado River to the State of Utah; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Territories.

Mr. McCOMAS introduced a bill (S. 6124) for the extension and improvement of Massachusetts and Boundary avenues NW.; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. CLAPP introduced a bill (S. 6125) granting an increase of pension to Webster Eaton; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6126) to authorize the issue of

patents of lands embraced in Indian allotments in South Dakota; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. BEVERIDGE introduced a bill (S. 6127) granting a pension to Harriet Sprague Robins; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PETTUS introduced a bill (S. 6128) for the relief of the estate of Simeon Houk, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. HALE introduced a bill (S. 6129) granting a pension to Florence Emery Blake; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6130) granting an increase of pension to Charles L. Harmon; which was read twice by its title, and referred to the Committee on Pensions.

Mr. COCKRELL introduced a bill (S. 6131) for the relief of the estate of James B. Eads; which was read twice by its title, and referred to the Committee on Claims.

Mr. SCOTT introduced a bill (S. 6132) granting an increase of pension to Oscar M. Parsons; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

AMENDMENT TO LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. BALL submitted an amendment proposing to increase the salary of the superintendent of repairs to the Treasury building and annexes from \$1,500 to \$2,000, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

AMENDMENTS TO OMNIBUS CLAIMS BILL.

Mr. BURROWS submitted an amendment intended to be proposed by him to the bill (H. R. 9548) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Claims.

Mr. MCCOMAS submitted an amendment intended to be proposed by him to the bill (H. R. 9548) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Claims.

Mr. FRYE submitted an amendment intended to be proposed by him to the bill (H. R. 9548) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the Bowman Act; which was referred to the Committee on Claims, and ordered to be printed.

AMENDMENTS TO PURE-FOOD BILL.

Mr. STEWART submitted an amendment intended to be proposed by him to the bill (H. R. 6295) for preventing the adulteration or misbranding of foods or drugs, and for regulating traffic therein, and for other purposes; which was ordered to lie on the table and be printed.

Mr. LODGE. I ask unanimous consent that the amendment which I send to the desk may be printed as an amendment to the pure-food bill, and that it may lie on the table. It is a clause taken from the House bill, which is omitted in the Senate amendment.

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator desire to have the amendment read?

Mr. LODGE. No; there is no need of having it read.

The PRESIDING OFFICER. The amendment will be printed and lie on the table.

Mr. McCUMBER. I should like to hear read the amendment just offered by the Senator from Massachusetts [Mr. LODGE].

The PRESIDING OFFICER. The Secretary will read the amendment.

The Secretary read as follows:

Provided further, That when in the preparation of food products for shipment they are preserved by an external application applied in such manner that the preservative is necessarily removed mechanically or by maceration in water or otherwise, the provisions of this act shall be construed as applying only when said products are ready for consumption.

Mr. LODGE. The amendment is a clause of the House bill which the Senate has omitted.

Mr. McCUMBER. I think we have something substantially the same in the Senate amendment.

Mr. LODGE. I dare say the Senator can show me a point that covers it. I did not find it.

CIVIL GOVERNMENT OF THE PHILIPPINES.

Mr. FORAKER. I submit an amendment intended to be proposed to House bill 14623 and ask that it may be read, printed, and lie on the table.

The PRESIDENT pro tempore. The amendment will be read, if there be no objection.

The SECRETARY. On page 5, line 12, after the word "duty" insert:

And all articles the growth and product of the Philippine Archipelago coming into the United States from the Philippine Archipelago shall hereafter be admitted free of duty, except sugar and tobacco, manufactured and unmanufactured, upon which there shall be levied, collected, and paid only 25 per cent of the rates of duty levied, collected, and paid on said articles imported from foreign countries, and all duties so collected shall be paid into the treasury of said islands, to be used and expended for the benefit of the government of said islands.

Mr. LODGE. That is a very important amendment, and we have only two days in which to consider the bill. I ask that the amendment may be printed immediately, so that, if possible, Senators may have copies this afternoon, for I have no doubt that some Senators will desire to discuss the amendment to-day.

Mr. CARMACK. What amendment is it?

Mr. LODGE. It is an amendment proposing substantially the Philippine tariff bill of last year upon articles coming into this country as an amendment to the pending bill.

Mr. FORAKER. It proposes to reduce the duty to 25 per cent of the Dingley rates on tobacco and sugar and to admit everything else free of duty, imported from the Philippine Archipelago into the United States.

Mr. LODGE. I think if we could have it in print this afternoon it would be very desirable.

The PRESIDING OFFICER (Mr. KEAN in the chair). Without objection, the request of the Senator from Massachusetts will be complied with.

LUCY WARDEN.

Mr. FORAKER submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Lucy Warden, widow of Clifford Warden, late assistant librarian of the Senate of the United States, a sum equal to six months' salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

ADMISSION OF UTAH.

Mr. DUBOIS submitted the following resolution; which was considered by unanimous consent and agreed to:

Resolved, That 3,000 copies of Report No. 2337, House of Representatives, Fifty-second Congress, second session, same being a report to accompany House resolution 10190, from the Committee on Territories of the House of Representatives, be printed for the use of the Senate.

STATEMENT OF ACCOUNTS.

The PRESIDENT pro tempore. If there is no further morning business, the Calendar is before the Senate.

The bill (S. 269) regulating the settlement of the accounts between the United States and the several States relative to the disposition of public lands, and for other purposes, was announced as first in order on the Calendar.

Mr. PLATT of Connecticut. Let the bill go over, Mr. President.

The PRESIDENT pro tempore. Objection is made, and the bill will go over. It will go over retaining its place?

Mr. PLATT of Connecticut. Yes.

SOLDIERS' ADDITIONAL HOMESTEAD RIGHT.

The bill (S. 701) to validate certain certificates of soldiers' additional homestead right was considered as in Committee of the Whole. It makes valid the certificates of soldiers' additional homestead right, under section 2306, Revised Statutes United States, issued by the Commissioner of the General Land Office in May, 1896, under authority of the act of Congress of August 18, 1894, to M. J. Wine, assignee of Thomas O. George, Moses Roley, Andrew A. Harrison, William Bohanan, Leland L. Betterton, Dio C. W. Brashears, James R. Blades, John Pendleton, Charles M. Blair, Elbert S. Wittenberg, William D. Reynolds, John M. Walker, and Caleb Sill.

NEW DUNGENESS LIGHT-HOUSE IMPROVEMENT.

The bill (S. 3981) for the erection of an additional suitable building, cistern, oil house, and other necessary improvements at the New Dungeness light-house, in the State of Washington, was considered as in Committee of the Whole. It proposes to appropriate \$5,000 for an additional suitable building or dwelling, cistern, oil house, and other improvements in connection with the New Dungeness light-house station, in the State of Washington.

The bill was reported to the Senate without amendment, or-

dered to be engrossed for a third reading, read the third time, and passed.

IMPEACHMENT OF JUDGE CHARLES SWAYNE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, was delivered, as follows:

Mr. President, I am directed by the House of Representatives to communicate to the Senate the following resolution:

Resolved, That a committee of five be appointed to go to the Senate and, at the bar thereof, in the name of the House of Representatives and of all the people of the United States, to impeach Charles Swayne, judge of the district court of the United States for the northern district of Florida, of high crimes and misdemeanors in office, and to acquaint the Senate that the House of Representatives will in due time exhibit particular articles of impeachment against him and make good the same, and that the committee do demand that the Senate take order for the appearance of said Charles Swayne to answer said impeachment.

The Speaker announced the appointment of Mr. PALMER of Pennsylvania, Mr. JENKINS of Wisconsin, Mr. GILLET of California, Mr. CLAYTON of Alabama, and Mr. SMITH of Kentucky, members of said committee.

The Assistant Sergeant-at-Arms (B. W. LAYTON) announced the presence of the committee from the House of Representatives.

The PRESIDENT pro tempore. The Senate will receive the committee from the House of Representatives.

The committee from the House of Representatives was escorted by the Sergeant-at-Arms (D. M. RANDELL) to the area in front of the Vice-President's desk, and its chairman, Mr. PALMER, said:

Mr. President, in obedience to the order of the House of Representatives we appear before you, and in the name of the House of Representatives and of all the people of the United States of America we do impeach Charles Swayne, judge of the district court of the United States for the northern district of Florida, of high crimes and misdemeanors in office; and we do further inform the Senate that the House of Representatives will in due time exhibit articles of impeachment against him and make good the same. And in their name we demand that the Senate shall take order for the appearance of the said Charles Swayne to answer the said impeachment.

The PRESIDENT pro tempore. Mr. Chairman and gentlemen of the committee of the House of Representatives, the Chair begs to assure you that the Senate will take proper order in the premises, notice of which will be given to the House.

The committee of the House of Representatives thereupon retired from the Chamber.

BATTERY POINT POST LIGHT, WASHINGTON.

The bill (S. 3982) making an additional appropriation for the Battery Point post light, in the State of Washington, was announced as next in order on the Calendar, and the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to appropriate an additional sum of \$6,000 for the completion of the Battery Point post light, in the State of Washington.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FOG SIGNAL AT BLACK LEDGE, CONNECTICUT.

The bill (S. 3932) to establish a light and fog signal at or near Black Ledge, New London Harbor, entrance to New London Harbor, Long Island Sound, Connecticut, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. PLATT of Connecticut subsequently said: In my absence this morning, when the Calendar was being considered, the bill (S. 3932) to establish a light and fog signal at or near Black Ledge, New London Harbor, entrance to New London Harbor, Long Island Sound, Connecticut, was passed. The bill was on the Calendar. It was put on the Calendar at the last session when it came here, but in the meantime an appropriation for the same purpose was put in the sundry civil appropriation bill, so that this bill ought to have been indefinitely postponed. I move a reconsideration of the votes by which the bill was ordered to a third reading and passed, and I ask that it be then indefinitely postponed.

The motion to reconsider was agreed to.

The PRESIDENT pro tempore. The Chair hears no objection, and the bill is indefinitely postponed.

DWELLING FOR KEEPERS AT POINT BONITA, CALIFORNIA.

The bill (S. 4007) to authorize an increase in the appropriation for a dwelling for assistant keepers at Point Bonita, California was considered as in Committee of the Whole.

The bill was reported from the Committee on Commerce with an amendment, to strike out all after the enacting clause and insert:

That there be constructed at Point Bonita, California, a keeper's double dwelling at a cost not to exceed \$15,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the erection of a keeper's double dwelling at Point Bonita, California."

FOG SIGNAL AT HUMBOLDT BAY, CALIFORNIA.

The bill (S. 4005) to establish a fog signal on one of the jetties at the entrance to the harbor at Humboldt Bay, California, was considered as in Committee of the Whole. It proposes to establish on one of the jetties at the entrance to the harbor at Humboldt Bay, California, a fog signal, at a cost not to exceed \$15,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

QUARTERS FOR LIGHT KEEPER AT CAPE MENDOCINO, CALIFORNIA.

The bill (S. 4004) to establish at Cape Mendocino, California, quarters for the light keeper, was considered as in Committee of the Whole. It proposes to construct at Cape Mendocino, California, quarters for the accommodation of the light keeper, at a cost not to exceed \$5,500.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

QUARTERS FOR LIGHT-HOUSE KEEPERS AT POINT CONCEPTION, CALIFORNIA.

The bill (S. 4006) to authorize the construction of quarters for light-house keepers at Point Conception, California, was announced as next in order on the Calendar.

Mr. PERKINS. The provisions of this bill have already been incorporated into the sundry civil appropriation bill; and I therefore move that the bill be indefinitely postponed.

The motion was agreed to.

MARY C. MAYERS.

The bill (S. 174) for the relief of Mary C. Mayers was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, on page 2, line 4, after the word "Treasury," to strike out "immediately upon the approval of this act" and insert "in monthly installments of \$100 each until the whole amount is paid;" so as to make the bill read:

Whereas Joseph L. Mayers, lately an American citizen, residing at Yokohama, Japan, died on May 7, 1899, as the result of injuries received on May 6, 1899, by the fall of the first whaleboat belonging to the U. S. S. Charleston, then lying in Victoria Harbor, Hongkong, China, and which whaleboat was negligently detached from the davits of said ship by some of the ship's crew, said Mayers having gone to said ship on official business; and

Whereas the said Mayers left surviving him a widow, Mary C. Mayers, who was wholly dependent on her husband for support, and said widow is now without means: Therefore,

Be it enacted, etc., That the sum of \$5,000 for the aid and support of the said Mary C. Mayers, widow of the said Joseph L. Mayers, is hereby appropriated out of any money in the Treasury not otherwise appropriated, the same to be paid to said Mary C. Mayers by the Secretary of the Treasury in monthly installments of \$100 each until the whole amount is paid.

Mr. PLATT of Connecticut. Is there a report in that case?

The PRESIDING OFFICER (Mr. KEAN in the chair). There is, and it will be read.

Mr. STEWART. I want to say with regard to that case that if there is any personal-injury case which ought to pass this is the one. The husband of Mrs. Mayers was employed in Hongkong in furnishing coal to one of our war ships, and he was notified to go and get his pay. They paid there in silver. So he went in a boat manned by Chinamen. They loaded the silver on, and as he was getting on the yawl boat dropped on him and killed him. If he had not been an American citizen the claim would have been settled.

In cases where foreigners were killed we settled, but we could not, under the rules, pay in the case of an American citizen.

Mr. SPOONER. Has this bill been under discussion before?

Mr. STEWART. I do not know whether it has or not, but I do not think it has.

The PRESIDING OFFICER. The Chair does not so understand.

Mr. SPOONER. Has it been under consideration and been debated before in the Senate?

Mr. STEWART. I think not. It has, however, been reported several times.

Mr. SPOONER. How are the facts in regard to it established?

Mr. STEWART. They are established from the Navy Department. The facts are all well established. There is no question about the facts.

Mr. SPOONER. Has the Senator any objection to the bill going over without losing its place on the Calendar?

Mr. STEWART. I think it had better be considered now, in order that it may go in the omnibus claims bill.

Mr. PLATT of Connecticut. This is a case where, as I understand it, the naval board of inquiry found that the accident occurred where a boat became detached through the carelessness or ignorance of one of the ship's men who were handling it. Its passage would make the Government liable for the carelessness of a sailor or apprentice on board a ship.

Mr. STEWART. This naval board found that the Government was liable, so far as foreigners were concerned, and we have settled with them, though none of them were killed.

Mr. SPOONER. What would be the end of that doctrine?

Mr. STEWART. What would be the end of that doctrine?

Mr. SPOONER. Yes; if the Government be liable for injuries resulting from the carelessness of its employees?

Mr. STEWART. There have been a great many bills of this kind passed.

Mr. SPOONER. There never ought to have been one of them passed.

Mr. STEWART. But there have been a great many, and there will be a great many more, though there is a general indisposition to pass such bills. I was speaking of bills of that kind and stating that a good many of them have been passed, and I think we should pass this, as it is as clearly proven and as meritorious as any bill can be.

Mr. PLATT of Connecticut. This, I imagine, would set a precedent for paying damages to any citizen who might be injured through the carelessness of a soldier or sailor of the Government. I think that states the principle involved in the bill.

Mr. STEWART. I am sorry to say we have a great many such cases; I have not them at hand, but I could furnish precedents. However, if this bill is not passed and is objected to, it certainly is a declaration that we will not pass any more bills of this kind.

Mr. SPOONER. Certainly, Mr. President, this is a declaration, so far as the Senate is concerned, that it will not recognize the liability on the part of the United States for the mere negligence of its soldiers and its sailors, and its great army of employees. I know this, that during the six years I was a member of the Committee on Claims, we never felt at liberty, although some of the cases appealed very strongly to our sympathy, to inaugurate any such rule. I think the Senator from Nevada ought to be willing that this case should go over without prejudice in order that we may look it up. There may be some elements in it which make it exceptional.

Mr. STEWART. It has been pending for a long time. We had better have the report read.

Mr. SPOONER. I have no objection to having the report read. Is this bill open to objection, Mr. President?

The PRESIDING OFFICER. It is.

Mr. SPOONER. Is it being considered by unanimous consent?

The PRESIDING OFFICER. The bill is open to objection at any time.

Mr. SPOONER. Let the report be read.

The PRESIDING OFFICER. The report will be read at the request of the Senator from Wisconsin.

The Secretary read the following report, submitted by Mr. STEWART February 11, 1904:

The Committee on Claims, to whom was referred the bill (S. 174) for the relief of Mary C. Mayers, having considered the same, beg to report the bill back with an amendment as follows:

On page 2, lines 2 and 3, strike out the words "immediately upon the approval of this act" and insert the words "in monthly installments of \$100 each until the whole amount is paid," and as so amended recommend the passage of the bill.

The object of this bill is to pay to the widow of Joseph M. Mayers the sum of \$5,000 on account of the death of her husband, who died from injuries received by the dropping upon him of a whaleboat belonging to the U. S. cruiser *Charleston*, at or on which some of the ship's crew were working. Mr. Mayers went to the cruiser *Charleston* in a launch on official business and met his death as he was about to depart. The court of inquiry found that the accident was due either to the carelessness or ignorance of one or more of the ship's crew and without any contributory negligence on the part of Mr. Mayers. All the papers and documents from the Navy Department, hereto attached, substantiate this finding. Several other parties who were in the launch at the time and who were injured, being foreign citizens, have been paid certain sums of money by our Government and the cost of re-

pairs made to the launch were paid by the United States. The widow, who suffered the greatest loss, has received nothing.

This case is one calling for relief. The facts are well stated in your committee's former report, which is adopted and made a part hereof.

[Senate Report No. 302, Fifty-sixth Congress, first session.]

The Committee on Claims, to whom was referred the bill (S. 2216) for the relief of Mary C. Mayers, having considered the same, beg to submit the following report:

Joseph L. Mayers, the late husband of the lady for whose relief the provisions of this bill are intended, was an American citizen residing in Yokohama, Japan, where he was engaged as a commission merchant, and also represented the parties who were supplying the U. S. S. *Charleston*, then in Asiatic waters, with coal. He was in receipt of a good income from these sources, which, however, only sufficed to support himself and wife, the aforesaid Mary C. Mayers, and he had no property.

On May 6, 1899, he went aboard the U. S. S. *Charleston*, which was lying in Victoria Harbor, Hongkong, China, to receive on behalf of his principals payment for the coal that had been supplied to said ship. He went to the vessel in a steam launch (the *Connie*) belonging to the Hongkong Steam Launch Company and received payment for the coal in silver coin, which was in boxes that were deposited upon the deck of the launch.

Mr. Mayers had just reached the launch, having taken his departure from the cruiser, when the first whaleboat belonging to the *Charleston*, and at or on which some of the ship's crew were working, became detached and fell down on the launch. It injured three of the crew of the launch, three of the ship's crew, a man who was in the boat, and Mr. Mayers. Mr. Mayers was sent on shore as soon as possible in the care of the assistant surgeon of the ship and taken to the civil hospital of Hongkong. The injury produced immediately total paralysis of his entire body from the neck down, and Mr. Mayers died from the effects thereof the following morning. A post-mortem examination revealed a fracture of the spinal cord at the point of the sixth cervical vertebra. Dr. H. T. Percy, the surgeon of the *Charleston*, reports that the cause of Mr. Mayers's death was a traumatic myelitis, due to fracture of the spine.

From the report of the court of inquiry convened immediately after the occurrence by the captain of the *Charleston* it is clear that the accident was due to either carelessness or ignorance of one or more of the ship's crew and without any contributory negligence on the part of Mr. Mayers. The launch which carried Mr. Mayers to the ship was in its proper position at the starboard gangway. Mr. Mayers had gone to the ship on official business and had the right to believe himself free from the danger of such an accident as occurred.

The Government settled the claims of the members of the crew of the launch who were injured by the accident, and also the claim of the Hongkong Steam Launch Company for the injury done the launch, all of which appears from the accompanying reports. The report of Captain Whiting to the Navy Department, the report of the chief naval constructor, Admiral Hichborn, relating to the accident, and the letter from the Secretary of the Navy to your committee, transmitting same, are annexed hereto and made a part of this report.

The death of Mr. Mayers deprived his wife of her only means of support, and her claim for relief under the circumstances appears to your committee to be one that should receive recognition. The amount asked is not large—less than the average that is permitted to be recovered from private individuals and private and public corporations under existing statutes in the United States, and an act of Congress regulating the question for the District of Columbia, which latter act permits recovery for the negligent killing of a person of damages to the amount of \$10,000.

The Congress of the United States has at different times recognized its obligation to make compensation to the surviving widows or heirs at law of persons who have lost their lives through the negligent acts of agents, officers, or employees of the Government. The committee call attention to the following precedents in this connection:

Case of H. H. Lemon (20 Stat. L., p. 580); case of James M. Combs (25 Stat. L., p. 16); private act No. 101, for the relief of the families of the late John T. King and L. B. Cutler, approved July 19, 1876; private act No. 96, for the relief of the owner of the schooner *Henry R. Tilton* and the personal effects thereon, approved August 15, 1894; Ford's Theater cases (23 Stat. L., p. 932); case of Thomas Williams (30 Stat. L., p. 686); case of Annie E. Maccubbin, widow of William M. Maccubbin, to whom relief was given in the sundry civil bill approved March 3, 1899.

Had it not been that Mr. Mayers left a small amount of insurance, sufficient only to pay the debts that Mr. Mayers owed at the time of his death and to bring his widow from Hongkong to her home in this country, she would have been left an object of charity in a distant part of the world. Mrs. Mayers having been made a widow through the acknowledged fault of the agents of the Government and deprived of her sole means of support, and she being now wholly without income, are circumstances which strongly appeal to the generosity of the nation in her behalf. The sum of money appropriated in the bill will be but a small recompense for the irreparable loss she has sustained.

Your committee therefore report the bill favorably and recommend that it do pass.

NAVY DEPARTMENT,
Washington, January 13, 1900.

SIR: Referring to your communication of the 10th instant, requesting the views of the Department as to the bill (S. 2216) for the relief of Mary C. Mayers on account of the death of her husband, caused, in May last, by being struck by the whaleboat falling from the U. S. S. *Charleston*, at Hongkong, China, I have the honor to inclose herewith copies of all the papers on file in this case, and to state that, while the Department does not consider that there was any failure on the part of the officers or crew of the ship to exercise due and proper care, it is evident that the accidental fall of the boat was caused by an error on the part of an apprentice, second class, who, in endeavoring to clear the anchor, mistook the chain of the boat-detaching apparatus for the cable of the anchor, and by pulling it detached the boat. It does not appear that there was any contributory negligence on the part of Mr. Mayers.

It is believed that, with all the papers before it, the committee will be able to determine whether, in accordance with its practice in similar cases, the relief provided for in the bill should be granted.

Very respectfully,

JOHN D. LONG, Secretary.

Hon. WILLIAM M. STEWART,
Committee on Claims, United States Senate.

U. S. S. CHARLESTON,
Hongkong, China, May 10, 1899.

SIR: I have to report the following accident which occurred alongside of this ship about 9 a. m. Saturday, May 6, 1899:

The steam launch *Connie*, belonging to the Hongkong Steam Launch Company, was lying at the starboard gangway, having brought off Mr. Joseph L. Mayers, who had come to receive payment for the coal supplied the ship. The boxes containing Mexican dollars had just been placed on the launch's forecabin, when the first whaleboat, which was at the davits and directly over the launch *Connie*, was accidentally detached and fell down on the launch, slightly injuring three of the crew of the launch (Chinamen), three men of this ship's company who were on the forecabin of the launch handling the boxes containing the money, and one man who was in the boat, and seriously injuring Mr. Joseph L. Mayers. Those injured received immediate attention from the medical officers of the ship, and Mr. Mayers was sent on shore as soon as possible, accompanied by the assistant surgeon of the ship, and removed to the civil hospital. Mr. Mayers was paralyzed from his shoulders down, and died the following morning. The report of Surg. H. T. Percy in regard to the injuries received by Mr. Mayers is attached, marked "A."

I settled the claims of the three men (Chinamen) of the crew of the launch for \$60 (Mexican), and the following papers relating to their case are attached: "B," the statement of the Chinese physician in regard to their injuries, signed by himself and the Chinese interpreter; "C," an English translation of the same; "D," the waiver of all future claims against the United States Government. On account of the peculiar local laws in the colony regarding Chinamen, I referred this waiver to the United States consul-general to ascertain whether it was legal, and, if not, what further steps I would have to take to secure the United States Government. He informed me that he had seen the acting colonial secretary regarding the arrangement I had made for the indemnification of the three injured Chinamen, and the secretary replied that my action was legal, and, as far as he knew, was satisfactory to the colonial government. See paragraph 2 of letter of consul-general, dated May 8, 1899, attached and marked "E."

In considering the accident, the fault was wholly on the part of the ship, as the *Connie* was at the starboard gangway on legitimate business, and could by no means be considered at fault. Mr. A. G. Gordon, general manager of the Hongkong Steam Launch Company, owners of the *Connie*, placed his case in the hands of Messrs. Deacon & Hastings, solicitors. See letters attached, marked "F" and "G."

The damages to the steam launch *Connie* were ascertained by a board of officers ordered by myself, whose report is attached, marked "H," and also by the Government marine surveyor, Mr. John W. Kinghorn, a copy of whose report is attached, marked "I." On a comparison of the two reports it will be noticed that the estimated cost of repairs varies greatly. The board of officers thought that the port rail might be repaired, while the surveyor requires it to be renewed; the officers thought that the small awning, which was old, could be patched, while the surveyor requires it to be renewed. These two items are the main points of difference in estimating the cost and time of repairs.

In the meantime the owners had discovered that the launch was leaking slightly, which they claimed was due to the blow which she had received by the boat falling upon her, as the sockets for the awning stanchions after passing through the rail were secured to the frames of the launch. They stated that the launch did not leak before the accident, and as she was leaking now the leak was wholly due to the blow received. They claimed to have had the launch carefully covered over to protect her from the rain, all water removed from her boiler and bilge, and after the lapse of twelve hours that they bailed nine pails of water out of her. They then had the launch hauled upon the slip, so that the Government surveyor might view her underbody. I was unable to either prove or disprove their statements, but I contended that the blow could not have produced damage below the water, and I refused to admit of any liability on the part of the Government for the so-called "leak" which they had discovered.

Believing that if I left the port without settling their claim they would increase their estimate for damages to a large amount, and that if it was taken into the admiralty court it would, in all probability, be allowed, and the United States Government, in addition, saddled with the costs, I decided to make such reasonable concessions as might be necessary in order to effect a settlement. I therefore had a personal interview with Mr. Gordon, and, after considerable discussion and seeing no means of reaching a satisfactory agreement, I concluded that it would be for the best interests of the Government to compromise by accepting the surveyor's estimate of damage, as he was presumably a noninterested party. This was finally mutually agreed upon on the part of myself and Mr. A. G. Gordon, general manager of the Hongkong Steam Launch Company, owners of the *Connie*, and all claim for damage was settled on the basis of \$300 for repairs and ten days' time at \$20 a day, equal to \$200, making a total of \$500 Mexican. A copy of Mr. Gordon's receipt is attached and marked "J."

I was informed by the United States consul-general that Messrs. Deacon & Hastings have filed with him a claim against the United States Government on the behalf of Mrs. Joseph L. Mayers, widow, to indemnify her for the loss she sustained in the death of her husband, the late Joseph L. Mayers. (See paragraph 4 of letter of the consul-general, dated May 8, 1899, and attached, marked "E.")

Very respectfully,

W. H. WHITING,
Captain, U. S. N., Commanding.

The SECRETARY OF THE NAVY,
Navy Department, Washington, D. C.

A.
U. S. S. CHARLESTON,
Hongkong, China, May 8, 1899.

SIR: In obedience to your order, dated May 6, 1899, in regard to the injuries sustained by Mr. Joseph Mayers, caused by the falling of the whaleboat upon the steam launch, I have to report as follows: He was struck upon the head by the falling boat, and the immediate result was a total paralysis of his entire body from the neck down.

He was removed, with medical attendance, to the civil hospital of Hongkong, China, where he died the following morning, May 7, 1899.

Post-mortem examination revealed a transverse fracture of the body of the sixth cervical vertebra and almost complete laceration of the cord at this point. The remaining viscera were found to be normal. The cause of death was a traumatic myelitis due to fracture of the spine.

Respectfully,

Capt. W. H. WHITING, U. S. N.,
Commanding U. S. S. Charleston.

H. T. PERCY, Surgeon, U. S. N.

H.
U. S. S. CHARLESTON,
Hongkong, May 8, 1899.

SIR: In compliance with your order of May 6, we have investigated the circumstances attending the accident to the steam launch *Connie*, belonging to the Hongkong Steam Launch Company.

(1) The launch was alongside the starboard gangway ladder of this ship.

(2) Mr. Joseph L. Mayers was in the launch, receiving a box of money from this vessel.

(3) Lieutenant Van Duzer, the officer of the deck, was seeing that the money was safely transferred from the ship to the launch.

(4) James Hawkins (apprentice, second class) and J. J. Connaughten (apprentice, second class) were in the starboard whaleboat, hoisted directly over the starboard gangway ladder, engaged in passing out gear.

(5) About 5 a. m. James Hawkins, wishing to clear the anchor, and thinking the chain of the detaching apparatus was the cable for the anchor, attempted to clear the chain and detach the boat.

(6) The whaleboat fell on the forward part of the *Connie*, after striking the rail of the starboard gangway.

(7) Mr. Joseph L. Mayers was severely injured and has since died.

(8) George Wolf (ordinary seaman) received a scalp wound. Frank Byrne (apprentice, second class) a scalp wound, and John Belevsen (seaman) suffered from shock.

(9) These men were in the *Connie* transferring money.

(10) James Hawkins (apprentice, second class) sprained his ankle.

(11) Sai Ko, Ah You, and Ah Seing, members of the crew of the *Connie*, were slightly injured.

(12) All the injured persons were promptly examined by Surgeon Percy and Assistant Surgeon Armstrong, of the *Charleston*, and a technical report will be made of their injuries.

(13) The ridgepole of the forward section of the *Connie's* awning was broken.

(14) The scarfing of the rail on port bow was damaged.

(15) The cover of the forward cabin hatch was damaged.

(16) The jack staff was broken.

(17) Six awning stanchions were bent.

(18) Three wooden ridgepoles of awning were broken.

(19) There were several holes in forward section of awning.

(20) There was no apparent damage below the deck, and on questioning the crew they knew of none.

(21) The estimated cost of repair is \$50.

(22) The time required, three days.

(23) Detention, at \$20 a day.

(24) Total, \$110; all estimates in Mexican dollars.

Very respectfully,

T. B. HOWARD,
Lieutenant, U. S. Navy.
G. R. SLOCUM,
Lieutenant, U. S. Navy.
JOHN H. GILL,
Acting Carpenter, U. S. Navy.

The CAPTAIN.

[First indorsement.]

U. S. S. CHARLESTON,
Hongkong, China, May 9, 1899.

Respectfully forwarded and approved, although I consider the repairs underestimated, for the forward part of the awning would probably have to be made new. The detention does not include the days lost from the time of the accident until repairs are completed, but only the time to do the repairs. In my opinion, the day of the accident, the 6th, Sunday, the 7th, and Monday, the 8th, should have been included in the detention, making six days in all.

W. H. WHITING,
Captain U. S. Navy, Commanding.

C.

U. S. S. CHARLESTON, May 6, 1899.

I hereby certify to the following statements as to the condition of the following Chinamen wounded this day:

Sai Kio. Small scalp wound, contusion of left shoulder, and small incised wound of left chest, pectoral region.

Ah You. Small laceration of lip, contusion in region of right scapula.

Ah Sling. Contusion of right elbow and side.

I consider the injuries slight and in no way endangering subsequent disability.

In witness thereto I hereby fix my hand.

AH CHEE (his mark),
(Chinese Doctor).

Witnesses:

E. V. ARMSTRONG,
Assistant Surgeon, U. S. Navy.

HERBERT HENRY,
Hospital Steward, U. S. Navy.

CHANKEY (Interpreter).
HONGKONG, CHINA.

D.

U. S. S. CHARLESTON,
Hongkong, China, May 6, 1899.

In consideration of the sum of \$60 for medical attention and care of Ah Chee (doctor) during our recovery, we hereby waive all claim against the U. S. S. *Charleston*, of the United States Government, for further damages.

SAI KIO.
AH YOU.
AH SLING.

U. S. S. CHARLESTON,
Hongkong, China, May 7, 1899.

I personally witnessed the signatures of Talko and Ah Sling in a sampan, in the presence of a police sergeant, of Ah Chee, and Chan Key, this morning. I also witnessed the signature of Ah You on board this afternoon, in the presence of Ah Chee and of Chan Key.

G. R. SLOCUM,
Lieutenant, U. S. Navy.

E.

CONSULATE-GENERAL OF THE UNITED STATES OF AMERICA,
Hongkong, May 8, 1899.

SIR: I have to acknowledge receipt of your letter of 6th instant, relative to an accident which occurred alongside the U. S. S. *Charleston*, resulting in the death of Mr. Joseph Meyers, an American, the injury slightly of three Chinamen, and certain damage to the steam launch *Connie*.

I have seen the acting colonial secretary regarding the arrangements you have made for the indemnification of the three injured Chinamen. He informs me that your action is legal, and, as far as he knows, is satisfactory to the colonial government.

I am herewith inclosing two original letters from Deacon & Hastings, solicitors, acting as attorneys for Mr. A. G. Gordon, owner of the steam launch *Connie*. In the letter of to-day you will note they will accept "the sum of \$1,000 (local currency) in full settlement of his claim, if paid promptly."

Deacon & Hastings are also attorneys for Mrs. Joseph Meyers, widow of the late Joseph Meyers, who died at the Government Civil Hospital, Sunday, the 7th instant, on or about 7 o'clock a. m., from injuries sustained as noted in paragraph 1.

Mr. Herbert Lucker, of Deacon & Hastings, called this morning relative to filing a claim against the United States Government on behalf of the widow to indemnify her for the loss she has sustained in his death.

Very respectfully, yours,

ROUNSEVELLE WILDMAN,
Consul-General.

Capt. W. H. WHITING,
Commanding U. S. S. *Charleston*, Hongkong.

F.

35 QUEENS ROAD, Hongkong, May 6, 1899.

SIR: We are instructed by Mr. A. G. Gordon, owner of the steam launch *Connie*, to give you notice that while the said steam launch was alongside the U. S. cruiser *Charleston* this morning, owing to the negligence of those on board the said cruiser, a boat from the said cruiser fell on board the said launch, causing severe injuries to several persons and doing considerable damage to the launch.

We beg, therefore, to give you notice that our client holds the United States Government responsible for all damage occasioned to the said launch.

Particulars of the amount of the said damage will be forwarded to you later.

We have the honor to be, sir, your most obedient servants,

DEACON & HASTINGS.

R. WILDMAN, Esq.,
United States Consul-General, Hongkong.

Respectfully referred to Capt. W. H. Whiting, United States Navy, commanding U. S. S. *Charleston*, Hongkong.

ROUNSEVELLE WILDMAN,
Consul-General.

35 QUEENS ROAD, Hongkong, May 8, 1899.

SIR: With reference to our letter of the 6th instant on the subject of the U. S. S. *Charleston* and the launch *Connie*, we are now instructed to inform you that our client, Mr. Gordon, has had the launch surveyed, but the precise amount of damage can not be ascertained owing to the fact that the surveyor requires the launch to be put upon the slip, as she is leaking, before being able to do so.

As, however, we understand it is desired to effect an immediate settlement, we are instructed to inform you that our client is willing to accept (of course without prejudice to his legal rights) the sum of \$1,000 in full settlement of his claim, if paid promptly.

Of course it is understood that this is outside of any claim by Mr. Mayers's representatives or the Chinese.

We have the honor to be, sir, your obedient servants,

DEACON & HASTINGS.

R. WILDMAN, Esq.,
United States Consul-General, Hongkong.

Respectfully referred to Capt. W. H. Whiting, United States Navy, commanding U. S. S. *Charleston*, Hongkong.

ROUNSEVELLE WILDMAN,
Consul-General.

I.

Engineer's report of damage survey.

HONGKONG, May 8, 1899.

At the request of Messrs. Gordon & Co., I, the undersigned marine surveyor, have this day proceeded on board the steam launch *Connie* for the purpose of surveying the damage done the hull and fittings by the falling of a boat from the U. S. S. *Charleston*, and have to report as follows:

Cabin skylight, broken in three places, requires to be renewed.
Iron stanchion supporting boom to be renewed.
Thirty feet of rail on port side to be renewed and bulwark to be repaired; three awning stanchions to be repaired and three renewed.
Fore part of awning to be renewed.
There is no damage under water, as far as I can see, but I would recommend the boat to be put on the slip for inspection. I estimate the cost of these repairs at \$300, and time required ten days.

JOHN W. KINGHORN.

HONGKONG STEAM LAUNCH COMPANY,
Hongkong, May 9, 1899.

Received from J. S. Phillips, paymaster, United States Navy, the sum of \$500, being a full settlement of all claims against the United States Government for damage to steam launch *Connie* on account of accident of May 6 by fall of *Charleston's* whaleboat.

Received payment.

HONGKONG STEAM LAUNCH CO.
A. G. GORDON, General Manager.

Mr. PLATT of Connecticut. Now, Mr. President, let the case go over for to-day without prejudice.

The PRESIDING OFFICER. Without objection, that order will be made.

GEORGE F. ORMSBY.

The PRESIDING OFFICER. The Secretary will state the next bill on the Calendar.

The bill (S. 810) to authorize the detail of George F. Ormsby in the interest of commerce was announced as next in order.

Mr. PLATT of Connecticut. Is there a report accompanying the bill?

The PRESIDING OFFICER. There is.

Mr. PLATT of Connecticut. Let the report be read.

The PRESIDING OFFICER. The report will be read.

Mr. ALLISON. I ask that that bill may go over without prejudice.

The PRESIDING OFFICER. The bill will go over without prejudice.

MOUNT RAINIER NATIONAL PARK.

The bill (S. 342) for the improvement of the Mount Rainier National Park, in the State of Washington, was considered as in Committee of the Whole.

The bill was reported from the Committee on Forest Reservations and the Protection of Game with an amendment, in line 5, after the word "dollars," to insert "to remain available until expended and;" so as to make the bill read:

Be it enacted, etc., That there be, and hereby is, appropriated, out of any funds in the Treasury not otherwise appropriated, the sum of \$50,000, to remain available until expended, and to be expended under the supervision of the Secretary of the Interior, for the purpose of improving the Mount Rainier National Park, in the State of Washington, and for the protection of the park and the construction and repair of bridges, fences, and trails, and improvement and construction of roads.

The amendment was agreed to.

Mr. ALLISON. Let the report in that case be read.

The PRESIDING OFFICER. The report will be read.

The Secretary read the following report, submitted by Mr. ANKENY on February 15, 1904:

The Committee on Forest Reservations and the protection of Game, to whom was referred the bill (S. 342) for the further improvement of the Mount Rainier National Park, in the State of Washington, have had the same under consideration and beg leave to submit the following report thereon and recommend its passage, with the following amendment:

After the word "dollars," in line 5, insert "to remain available until expended, and," thereby making the body of the bill to read as follows:

"That there be, and hereby is, appropriated, out of any funds in the Treasury not otherwise appropriated, the sum of \$50,000, to remain available until expended and to be expended under the supervision of the Secretary of the Interior, for the purpose of improving the Mount Rainier National Park, in the State of Washington, and for the protection of the park and the construction and repair of bridges, fences, and trails, and improvement and construction of roads."

During the first session of the Fifty-seventh Congress a bill providing for the improvement of the Mount Rainier National Park was introduced by Senator FOSTER, of Washington, and was favorably reported upon by the honorable Secretary of the Interior, to whom it was referred for examination. From a report presented by Senator KITTREDGE on this bill (S. 255) the following excerpt is taken:

"By act of Congress approved March 2, 1899 (30 Stat., 993), a portion of the lands of the State of Washington, known as the Pacific Forest Reserve, was set aside for a public park, to be known as the Mount Rainier National Park.

"This act provided against the wanton destruction of fish and game found within the park and against their capture or destruction for purposes of merchandise or profit. Trespassing was also prohibited and provision was made for the promulgation of rules and regulations to preserve the wonderful natural scenic effects of the park against destruction.

"During the Fifty-sixth Congress legislation was proposed for the assignment of troops to the Mount Rainier National Park for the purpose of preventing trespassers and intruders from entering the same to destroy game or objects of curiosity therein. The legislation then asked for set aside an appropriation of \$20,000 for the improvement of the park and the construction of roads. This proposed legislation met with the approval of the honorable Secretary of the Interior, who made the following statement:

"* * * I have to state that the legislation contemplated * * * is in line with the recommendations relative to Mount Rainier National Park contained in my last annual report to the President of the operations of this Department, pages 132-133.

"I have the honor, therefore, to recommend that this amendment be incorporated in the sundry civil bill when it reaches the Senate and that it may receive the favorable consideration of Congress.

"Very respectfully,

"E. A. HITCHCOCK, Secretary."

"A bill (S. 270) providing for the assignment of troops to the park by the Secretary of War, upon the request of the Secretary of the Interior, has been favorably reported by the Senate Committee on Military Affairs, and an appropriation for the construction of roads and trails is deemed eminently proper. A large and constantly increasing number of tourists visit the park each summer, although at the present time no satisfactory trails, roads, or bridges have been constructed within the limits of the reserve or park. Such improvement is needed, and for the accommodation of the general public should be made at once.

"The mountainous country within the park constitutes scenic beauties unsurpassed anywhere in the world. An abrupt peak rises nearly 15,000 feet from the snow line, and is pronounced by mountain climbers from all parts of the globe to be one of the most, if not the most, striking mountain peaks in the world. The glaciers surrounding the park, the water courses, the forests, and the canyons are of the greatest possible interest, and the protection provided for and the improvements to be secured by the proposed legislation are to be commended.

"We therefore recommend the bill do pass without amendment."

The bill now under consideration has been examined by the Secretary of the Interior, who makes the following statement:

DEPARTMENT OF THE INTERIOR,
Washington, January 12, 1904.

SIR: Your letter of the 9th instant has been received, inclosing, with request for report thereon, Senate bill 342, for the improvement of the Mount Rainier National Park, in the State of Washington. The bill in terms is as follows:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be, and hereby is, appropriated, out of any funds in the Treasury not otherwise appropriated, the sum of \$50,000, to be expended under the supervision of the Secretary of the Interior, for the purpose of improving the Mount Rainier National Park, in the State of Washington, and for the protection of the park and the construction and repair of bridges, fences, and trails, and improvement and construction of roads."

In response thereto I have the honor to state that I have no objections to interpose to the passage of this bill, provided that the moneys therein authorized to be expended are made available until used.

Very respectfully,

E. A. HITCHCOCK, Secretary.

Hon. J. R. BURTON,
Chairman Committee on Forest Reservations
and the Protection of Game, United States Senate.

Since the first appropriation of \$3,000 was made for the improvement of Mount Rainier National Park, in accordance with a bill originally introduced by Senator FOSTER of Washington, a large number of tourists have been attracted annually to this great scenic resort, and a new line of railroad has been constructed over half of the distance to the mountain, which has heretofore been traversed by wagon or stage. This railroad is pushing its lines to a point nearer the mountain, and in a very short time Mount Rainier National Park can be reached without a long, difficult, and trying ride by wagon or on horseback, and visitors will be enabled to reach the glaciers without difficulty, particularly when the improvements contemplated by the War Department, and provided for in the above appropriation, have been made.

Mr. ALLISON. I thought an appropriation for this purpose had been provided in the sundry civil act of last year, but after a necessarily hurried investigation, I do not see that it was. I observe that the Senator from Washington [Mr. ANKENY], who made the report in this case, is present. I should think that a smaller appropriation than that proposed in the bill would be sufficient to do the work for the next year or two, and I suggest that the amount be reduced from \$50,000 to \$25,000. I think that will be ample. I make that motion.

The PRESIDING OFFICER. The amendment proposed by the Senator from Iowa will be stated.

The SECRETARY. In line 5, before the word "thousand," it is proposed to strike out "fifty" and insert "twenty-five;" so as to read "twenty-five thousand dollars."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MINING EXPERIMENT STATIONS.

The bill (S. 271) to establish mining experiment stations, to aid in the development of the mineral resources of the United States, and for other purposes, was announced as the next business in order on the Calendar.

Mr. PLATT of Connecticut. Let the bill go over.

The PRESIDING OFFICER. The bill will go over, and the Secretary will state the next case on the Calendar.

PURE-FOOD BILL.

Mr. McCUMBER. I move that the Senate proceed to the consideration of the bill (H. R. 6295) for preventing the adulteration or misbranding of foods or drugs, and for regulating traffic therein, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. McCUMBER. Mr. President, I understand that the Senator from Oregon [Mr. FULTON] desires to offer certain amendments and also to make some remarks on the bill.

If the Senator will allow me for a moment, I should like to read from a magazine entitled "What to Eat" a little statement from the pure-food commissioner of the State of North Dakota, and which will explain to some extent why we in that State are deeply interested in the enactment of a bill of this kind. It is very short, but it recites a condition of things that I think ought to appeal to any Senator. With the permission of the Senate, I will read the article. It is entitled "Some adulterations and frauds in the food markets."

One might suppose that the meats offered for sale in North Dakota would be generally pure and true to name, but, while potted chicken and potted turkey are common products, I have never yet found a can in the State which really contained in determinable quantity either chicken or turkey. More than 90 per cent of the local meat markets in the State were using chemical preservatives, and in nearly every butcher shop could be found a bottle of freezeme, preservaline, or icelene.

The amount of borax or boric acid employed in meats varied to a considerable extent, and, expressed in terms of boric acid in sausages and Hamburger steak, would probably range from 5 grains to 45 grains per pound, while the medical dose is from 5 to 9 grains per day.

In other words, in one single pound of meat used there would

be about five times as much as would be given in doses for medical purposes in a single day.

The use of these chemicals is not confined to the local butchers. Scarcely a ham could be found that did not contain borax. In the dried beef, in the smoked meats, in the canned bacon, in the canned chipped beef, boric acid, or borates, is a common ingredient. Certainly it can not be said that the use of this preservative is necessary in goods sealed in glass and tin, whatever may be said with regard to their use in other classes of meats.

Probably sodium sulphite is more generally used than any other preservative in sausages and Hamburger steak by the local butcher. At times the meat which he employs in the preparation of these products has been tainted, and the use of the sulphites helps him to dispose of these meats as ripened products.

Canned salmon was frequently found to contain borax and in varying quantity, and while many of the canners protested that they were not using borax, nevertheless it was shown that the special salt sold them for use contained sufficient borax to act as a preservative agent. Ninety per cent of the so-called French peas which we have taken up in North Dakota were found to contain copper salts in varying quantities, and in a few samples, in addition to the copper salts, there was present aluminum salts.

Of all the canned mushrooms on the market in North Dakota 85 per cent were found to be bleached by the use of sulphites.

When the food law went into effect in North Dakota there was but one brand of catsup, so far as I am able to find by my records, which was pure—that is, free from chemical preservatives and coal-tar coloring matters. Many of the catsups offered for sale in the State were made from the waste products from canners—pulp, skins, ripe tomatoes, green tomatoes, starch paste in considerable quantity, coal-tar colors, chemical preservatives, usually benzoate of soda or salicylic acid, the whole highly spiced and not always free from saccharin. In other instances the basis for the catsup was largely pumpkin. I consider the use of starch paste in the manufacture of catsup as a fraud and that its use should be condemned.

I have found tomatoes in cans with all appearance of being ripe, but in reality the cans were filled mainly with tomato pulp and coal-tar dye. In some cans less than 12 per cent of the contents failed to pass through a good grade of cheese cloth. The use of coloring matter—coal-tar dye—alone permitted of the practice of such frauds. Of cocoas and chocolates examined about 70 per cent have been found to be adulterated.

This is signed by E. F. Ladd, food commissioner of the State of North Dakota. I simply present it at this time that we may understand a few of the adulterations in food products in the several States. Possibly the condition is no worse in our own State than in other adjoining States, and it is shown that of the products which have been examined on an average 80 to 90 per cent have been of an adulterated character, and not only adulterated, but injuriously adulterated; and it will be found, as I have stated, that from 90 to 95 per cent of all of those products have been imported products. So it is impossible for the food commissioner to reach the source of the evil—the manufacturer.

I may say, in addition, that during the summer there was held at St. Louis a session of the National Pure Food Congress, which was continued during a considerable period while the fair was in progress at that place. The requests from everywhere, and the resolutions contained in their reports, were in favor of a national pure-food law. Without going especially into the question of adulteration, they simply showed clearly by their reports the inability of the States to cope with this great subject.

Mr. ALDRICH. Will the Senator allow me to ask him a question?

Mr. McCUMBER. With pleasure.

Mr. ALDRICH. I understood him to say that of the impurities discovered in North Dakota 90 to 95 per cent were in imported articles. I should like to ask him this question: Can the man who sells or ships or receives articles of this kind have any protection in the form of a guaranty under this bill?

Mr. McCUMBER. Yes; he is absolutely protected in the form of a guaranty. The man who purchases, you say? Do I understand the Senator?

Mr. ALDRICH. No; the man who receives or transports.

Mr. McCUMBER. Certainly. He is protected absolutely under this bill.

Mr. ALDRICH. How is he protected?

Mr. McCUMBER. It is made a defense if he receives a guaranty with respect to the quality of the goods.

Mr. ALDRICH. I know; but there is no provision for a guaranty with respect to imported articles.

Mr. McCUMBER. You mean imported from a foreign country?

Mr. ALDRICH. Yes.

Mr. McCUMBER. That matter was discussed here yesterday, and I can only answer the question the same as I answered it yesterday. The object of requiring a guaranty in the States is that we may follow up the article to the manufacturer and may hold the manufacturer of the article responsible. Such a provision could not apply, of course, where the article is imported from a foreign country. This country has no jurisdiction, of course, over the producer in a foreign country, and for that reason it was deemed unnecessary and improper even to have the same provision in reference to the importation of foreign products.

In addition to this, we now have a national law which provides for the inspection of all of these imported articles, and I believe it is working very well. There is very little complaint.

Mr. ALDRICH. The Senator does not quite apprehend my question.

Mr. McCUMBER. Possibly not.

Mr. ALDRICH. What I am asking the Senator is whether the innocent purchaser for sale or a man who is transporting articles, without knowledge that they are, as they may ultimately happen to be found to be, misbranded or impure, has any protection at all, if the articles are imported, as to the guaranty of anybody?

Mr. McCUMBER. Certainly he has not under this bill.

Mr. ALDRICH. In other words, if a man innocently receives misbranded goods that are imported, he can be sent to prison and has no protection whatever from any source?

Mr. McCUMBER. The protection is given in the law as we now have it, as it is enforced by the Agricultural Department, which has been reenacted every year, which practically protects the importer. I do not understand that there is very much trouble from imported articles. Most of the articles of a fraudulent character that are really sold here as being imported articles have never been imported.

Mr. SPOONER. Are the French peas to which the Senator has referred imported?

Mr. McCUMBER. I do not understand that they are at all. They are not imported articles.

Mr. ALDRICH. Will the Senator from Wisconsin excuse me?

Mr. SPOONER. I thought the Senator from Rhode Island was through.

Mr. ALDRICH. Here is a concrete illustration. It is well known in the trade, and the Senator from North Dakota undoubtedly knows it, that large quantities of cotton-seed oil are sold in this country imported from abroad as olive oil or salad oil, and under various other names.

Mr. McCUMBER. They are not imported from abroad.

Mr. ALDRICH. They are not imported?

Mr. PLATT of Connecticut. They are sent from this country.

Mr. ALDRICH. There are millions of gallons of cotton-seed oil sent to France every year, a considerable part of which comes back as olive oil under various brands, Italian and French, and is sold here. Suppose a retail grocer in Philadelphia orders from a wholesale grocer in New York a case of imported oil, and it is received in due course and sold by him. I wish to ask the Senator from North Dakota whether that man and the man who transports it and the man who shipped it can be sent to prison under this bill without any intent on their part to deceive or any knowledge on their part as to the character of the goods?

Mr. PLATT of Connecticut. Certainly they can.

Mr. McCUMBER. I will speak first as to the particular item of which the Senator from Rhode Island spoke.

Mr. ALDRICH. As I understand the bill, everyone of them, from the man in New York to the man who finally receives it, can be found guilty and sent to prison when there is not the slightest possible intent on their part to deceive or any knowledge as to the character of the goods.

Mr. McCUMBER. Speaking now of olive oil, or oil which is imported as olive oil, if the reports of the Agricultural Department are correct, there is practically nothing of that kind going on.

Mr. ALDRICH. Oh!

Mr. McCUMBER. I am simply taking the report as it is before us. While it is true that a small amount of cotton-seed oil comes back to this country as olive oil, it may be said that practically there is none coming back at the present time. But this is the way we get our imported cotton-seed oil as olive oil: It is taken out of a tank in the city of New York or in Boston or in some other place, and a foreign label is put on the bottle and it is shipped as a foreign product all over this country. But the adulteration is done in this country and not in the old country. I am informed by the chemist of the Agricultural Department that under the law of which I have spoken they have practically excluded importations of that kind.

Now, answering the Senator's second proposition as to the liability of the importer, the law of every State in the Union makes it an offense punishable by fine and imprisonment to sell any adulterated article or an article that does not meet the requirements of the law of the State. None of the State laws, so far as I know, provide any shield to the party by reason of his not understanding that the article is of an impure character. He is made absolutely liable. I do not understand that there has been any great suffering under laws of this country. There are being enforced, day after day, in every one of the States of the Union, laws practically the same as this proposed law, so far as concerns making the seller responsible, irrespective of his

innocence of knowledge as to the character of the particular goods.

Mr. ALDRICH. Is there any State which applies the penalty to a man who receives the goods or transports them, and who may have no knowledge of the deception or any connection with their sale in any way or with what becomes of them? Is there any law that you know of, before this suggested one, which imposes any penalty for that?

Mr. McCUMBER. Every one of them does.

Mr. ALDRICH. Do you mean the man who receives them or the man—

Mr. McCUMBER. The innocent receipt alone would not make a party guilty.

Mr. PLATT of Connecticut. This bill does.

Mr. ALDRICH. Yes; this bill does.

Mr. McCUMBER. It is so stated on the floor, but that is not intended.

Mr. ALDRICH. The bill so reads. I do not know what was intended. That is the way it reads. Is there any State which has a law of that kind?

Mr. McCUMBER. Every State has a law practically the same as the law which is proposed here, and I have not heard that there has been any difficulty. But I wish to say—

Mr. MONEY. Will the Senator permit me for a moment?

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Mississippi?

Mr. McCUMBER. In a moment. I understand that in Rhode Island if a man has such articles in his possession he is made criminally liable, whether innocent of any intent to deceive or not.

Mr. PLATT of Connecticut. He ought not to be.

Mr. McCUMBER. It is the law practically of every State, and, as I stated yesterday in my remarks, experience has demonstrated that if we insert the words "knowingly" or "willfully receiving" it leaves a ground on which many a criminal will escape.

Mr. ALDRICH. Does the Senator mean to say that the law of Rhode Island punishes a man for having in his possession a misbranded article?

Mr. McCUMBER. I have not the law here.

Mr. ALDRICH. I think the Senator had better read it.

Mr. McCUMBER. I think the Senator will find it reads "misbranded" or "adulterated."

Mr. ALDRICH. I think you will find that it does not.

Mr. MONEY. Will the Senator from North Dakota permit me to interrupt him?

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Mississippi?

Mr. McCUMBER. With pleasure.

Mr. MONEY. Mr. President, the information the Senator from North Dakota has just given, that there is no cotton-seed oil imported under the brand of olive oil is new to me, and I am glad to hear it. I regret that there is any imitation in the United States. However, I recollect very well that a few years ago the Italian Government forbade entirely the importation of cotton seed, cotton-seed oil, or any quality of cotton seed, upon the ground that it was destroying the olive industry in Italy. That prohibition was afterwards removed, and my impression has been, derived from a good many sources, that the very best olive oil that is used is refined cotton-seed oil—

Mr. McCUMBER. It may be.

Mr. MONEY. And that it comes from Lucca and other Italian ports, and probably some comes from France.

A few years ago there was in the French Chamber of Deputies a proposition to put a prohibitory tax upon cotton-seed oil, and at the request of the Secretary of State the minister of foreign affairs requested the withdrawal of the bill from the Chamber, because we were then negotiating a treaty of reciprocity with France, and retaliation was threatened unless the bill was withdrawn pending the negotiations.

I know it is a fact that in more than one European state the introduction of cotton-seed products has been forbidden, or that course is contemplated, because of the exportation of that oil refined in place of olive oil, and upon the grounds mainly that it is destroying the olive industry.

The Senator has given me some information upon that subject which I am very glad to get, and I hope he is quite correct in the statement.

Mr. McCUMBER. I have the statement from the Chief of the Bureau of Chemistry of the Agricultural Department, who, in the investigation had before the Committee on Manufactures, showed that very little cotton-seed oil was imported into this country misbranded; that since the new law went into effect, giving the Agricultural Department control over the importation of wines and such articles, practically none is now being

imported. But it is true that an immense amount of cotton-seed oil is sold in this country for imported olive oil, when, as a matter of fact, it is simply cotton-seed oil with the foreign brand placed on the package in this country and nowhere else.

Now, I am not condemning, and I do not think anybody else is condemning, the use of cotton-seed oil. It may be to a great extent better than mere olive oil. I know that olive oil is prescribed very often by physicians for children's diseases. I know that the effect of olive oil is not the same on the system as that of cotton-seed oil; and I know that a person having a prescription filled is entitled to know whether it is olive oil he is buying or whether he is buying something that is really better for some purposes—cotton-seed oil.

I had not completed my answer to the inquiry of the Senator from Rhode Island. Any person purchasing from the importer is amply protected under this bill. Possibly it may be so amended that he will be better protected. He may obtain a guaranty from the person from whom he purchases or who ships to him that the article shipped to him corresponds in quality and character with the requirements of this bill, should it become a law; and in that way everyone will be thoroughly protected, unless it be the importer from a foreign country.

Mr. PLATT of Connecticut. Mr. President, I think it must be admitted that this bill, in terms, punishes an innocent retailer of misbranded goods unless he can produce a guaranty from the manufacturer or the person who sold him the goods that they are not misbranded. The Senator from North Dakota [Mr. McCUMBER] says, "Oh, that is true; but the retail dealer will not be punished if he is innocent; no harm has resulted from such laws in the States; that although the same provision occurs in State laws no retail dealer has suffered particularly."

Now, the other day when the Senator from North Dakota gave a reason why Congress should pass a law of this sort, the reason he gave was that the law was not enforced in the States; that they had similar laws, subjecting the innocent retail dealer to punishment, but that the laws were not enforced. Now, let us see what he says:

When they—

That is, the goods—

have changed from that condition—

That is, the unbroken packages that are in interstate commerce—

and have become lost in the mass of the goods of that State, then the pure-food commissioner of that State and the courts of that State may deal, not with the manufacturer, not with the shipper, but with the retailer, who is absolutely innocent of the character of the goods. It is because of those conditions that nearly all of the States, through their proper officers and those interested in pure foods and drugs, have petitioned Congress for the last ten or fifteen years for the enactment of a Federal law governing this subject. Now, all that we are asked to do is to pass some law supplementing the efforts of the States to enforce their own laws in relation to pure food products. In my own State of North Dakota there have been more than 100 arrests in the last year for the sale of adulterated and impure foods and those prohibited by the laws of the State to be sold in the State. In every instance, so far as I know, the retail dealer was absolutely innocent of the character of the goods, and so the fines in most instances were remitted for that reason.

Now, we are to have a law based upon the necessity which exists for a law by which such fines shall not be remitted. That is the reason which is given here for the passage of this bill. The States are fully empowered to deal with this subject. They have passed laws on it, but the Senator complains that the fines are remitted where the dealer is innocent of an intent, and therefore we must have a law of Congress. I can not see it any other way.

Mr. McCUMBER. That is all true with the exception of "therefore" and what follows. I simply gave that as an illustration of the difficulty of enforcing the law, without doing more or less injustice, as it now stands. The dealer will be enabled to protect himself entirely by securing from the manufacturer or the wholesale dealer a simple guaranty that the goods are as they purport them to be, nothing less and nothing more.

Mr. ALDRICH. It does not apply to imported goods at all?

Mr. McCUMBER. I have stated that it does not apply to imported goods from the first importer. It applies to imported goods, however, from the wholesale dealer or anyone else except from the first importer.

Mr. ALDRICH. How can the wholesale dealer give a guaranty of something that has been imported as to its purity or branding?

Mr. McCUMBER. He can give a guaranty if he has a mind to. He is not compelled to sell anything he does not know what it is composed of. He can test the articles that he gets from a foreign country and ascertain whether or not they correspond with the laws of the United States before he puts them on the market.

The Senator might as well ask how we secure proper goods from importations at the present time. Simply the chemists of our own Departments analyze them, and they are not allowed to pass unless they are found to be either marked in such a way that they will indicate exactly what they are or else that they shall correspond entirely with the name that is given them. It is not a very difficult problem that would affect the importer or anyone else in knowing what his goods are before he ships them. The Senator might as well ask why should a man be held responsible for selling some yellow concoction that looks like butter. He may not know that it is not butter; but he can test it and ascertain whether it is oleomargarine or whether it is butter, and after he has tested it he knows what it is. Then he is entitled to put it on the market for just exactly what it is and not for something else.

Mr. ALDRICH. If the Senator from Oregon will permit me, I should like to say just another word about cotton-seed oil. My experience and knowledge, which, of course, is not equal to that of the Senator from North Dakota, is that there is a very large quantity of cotton-seed oil all the time being imported in the form of and branded as olive oil and sold under that brand. I do not know what the Chemist of the Agricultural Department may say about that, but I think there is not a man in trade and who knows about trade conditions who will not differ absolutely from the Chemist of the Agricultural Department in that regard. Neither the Chemist of the Agricultural Department nor any other chemist, in my judgment, can tell absolutely whether an oil which is sold upon the market contains 90 per cent olive oil and 10 per cent of cotton-seed oil or not, and there is nothing in the chemical analysis of oil by which you can tell. One chemist might send a man to jail under this bill for selling oil that was adulterated or having in his possession an adulterated article, when twenty other chemists might say there was no cotton-seed oil in the product at all.

Mr. McCUMBER. That would be tried by a jury and they could weigh the evidence. That is true in the enforcement of all laws of this character.

Mr. ALDRICH. Does the Senator think that a man's liberty ought to be put in peril because some chemist of the Agricultural Department or some other might think that the oil was adulterated; not that anybody's health was in danger, because I assume, and I think I can assume with great truth, that an oil which contains even 50 per cent of cotton-seed oil is just as good for all purposes of health as though it were all olive oil?

Mr. McCUMBER. Let me answer the Senator. In our State we have the prohibition law. There is a prohibition against the sale of intoxicating liquors in the State. A great many concoctions are sold there, and the question arises very often in the enforcement of that law whether they are intoxicating liquors.

We take a brand of lager beer, tonics, etc., and the question of their intoxicating quality is determined by chemists who analyze them and determine the amount of alcohol. One chemist might find that there was 5 per cent of alcohol. There is also the probability, or possibility, that other chemists might not find that there was 2 per cent, and therefore it might not be intoxicating. Would the Senator say that we should jeopardize a man's life and imprison him when chemists might disagree? But they do disagree, and it is for the jury to determine whether or not it is an intoxicating liquor, and ordinarily they will determine about right. A man is safeguarded. He can have the other twenty chemists present to show that the article does not contain 5 per cent of alcohol—that it contains only 1 or 2 per cent. The same thing would apply to a case of this kind.

Mr. ALDRICH. Is there anything in the existing condition of affairs that makes it the duty of Congress to put the liberty of all the people of the United States in jeopardy because some man thinks that at some time some imported article contains certain substances which ought not to be there? Take this question of oil. Are we to pass a sumptuary law that will prevent people all over the United States from using or selling or receiving or transporting articles which, in the opinion of some of the people of North Dakota, may be injurious to their health? Are we going to decide that question here? Are we going to take up the question as to what a man shall eat and what a man shall drink, and put him under severe penalties if he is eating or drinking something different from what the chemists of the Agricultural Department think it is desirable for him to eat or drink?

Mr. McCUMBER. No.

Mr. ALDRICH. Is that the purpose of Congress?

Mr. McCUMBER. I can tell the Senator what the purpose is.

Mr. ALDRICH. That seems to be the purpose of the proposed legislation, so far as I can see.

Mr. McCUMBER. On the contrary, it is the purpose of the bill that a man may determine for himself what he will eat and what he will not eat. It is the purpose of the bill that he may go into the markets and when he pays for what he asks for that he shall get it and not get some poisonous substance in lieu thereof for the benefit of some particular individuals who desire to make a little money out of the sale of these poisonous articles which are imposed on the public. Are we going to put every man under the ban of suspicion or liability for being convicted of murder because we have a law on our statute books that prohibits murder? This proposed law prevents no man from selling what he wishes. It simply says to him, "You shall sell it for what it is. It defines what are adulterated articles. He can adulterate them as much as he has a mind to, but it provides that he shall place upon the label the fact that it is adulterated. Is that a hardship upon any individual? Is it an injustice to him? I think Congress may well protect the people of the State of North Dakota and of every other State against the impositions I have enumerated, as I have read this article from our own pure-food commissioner.

Mr. SPOONER. Mr. President—

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Wisconsin?

Mr. McCUMBER. With pleasure.

Mr. SPOONER. As I stated yesterday, I conceive that probably some legislation on this subject is necessary. I realize, as my friend from North Dakota must, the length and depth of the subject, the intricacy of it, and the difficulty of framing a bill full of specific provisions which will not be susceptible of very great oppression in its execution.

Now, turning to the question of guaranty, which in a limited sense, perhaps not so limited—it is limited, however—is a defense, I wish to ask the Senator this question: Suppose a firm in New York imports a consignment of foreign-made food or confectionery. They bring it in; they ship it in the packages to some State for sale. It is found there to be misbranded or, upon being opened—or it may not be necessary to open it—it is found to be adulterated. That firm, I suppose, would be subject to prosecution and punishment under this bill?

Mr. McCUMBER. If they sold it.

Mr. SPOONER. If they sold it or if they shipped it for sale?

Mr. McCUMBER. Yes.

Mr. SPOONER. Now, no guaranty of the foreign manufacturer would protect that firm?

Mr. McCUMBER. No.

Mr. SPOONER. Would proof by that firm that the package had never been broken from the time of withdrawal from the custom-house until its shipment for sale into another State be a defense?

Mr. McCUMBER. I think not.

Mr. SPOONER. I think not, too, because it is *malum prohibitum*. Now, where does that leave this bill? Confessedly the Government of the United States, however it may be restricted, from the standpoint of such a bill is restricted to its power to regulate commerce. But it is not restricted, as my friend knows, as to the power to regulate imports. Congress has the power to provide for the examination and the testing of imports to the end that the misbranding or the adulteration which occurred on the other side may be detected and the consummation of it prevented.

The Senator says there is a law for that purpose. Then this importer to whom I have referred would have the right, would he not, to assume that the Federal officials had executed that law, and that the original package, with which the firm never interfered, came to the dealer after examination by the Federal official whose duty it is to make the examination? One illustration, of course, brings to the mind of any Senator the extent of the field. He would be subject to prosecution and punishment if being *malum prohibitum*, being absolutely honest himself, simply because he had relied upon the faithful execution by Federal officials of a Federal law. He had been lulled to rest, left without ground of suspicion, by the assumption that before the package came from the custom-house into his custody it had passed and met the test prescribed by the Federal law.

The PRESIDENT pro tempore. Will the Senator from Wisconsin yield for one moment?

Mr. SPOONER. I ask for one moment. What I wish to ask the Senator is whether in such a case it ought not to be a complete defense upon proof that the package came from the custom-house into the custody of the importer, and that from the time it came into his custody until it was delivered for sale in another State it had remained unbroken. Ought not that to be a defense?

Mr. McCUMBER. There certainly could be no objection—

The PRESIDENT pro tempore. The Senator from North Da-

kota will please suspend. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 14623) to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," and to amend an act approved March 8, 1902, entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," and to amend an act approved March 2, 1903, entitled "An act to establish a standard of value and to provide for a coinage system in the Philippine Islands," and to provide for the more efficient administration of civil government in the Philippine Islands, and for other purposes.

Mr. DUBOIS. Mr. President, I do not rise to discuss the bill which has just been laid before the Senate, but as I am engaged on a committee which will be at work in the afternoon I should like to have an understanding in regard to the bill. I assure the Senator from North Dakota that I shall not take much time.

Mr. LODGE. The Senator from North Dakota, I suppose, merely desires to finish his statement.

Mr. McCUMBER. I simply desire to answer the question of the Senator from Wisconsin.

Mr. LODGE. I suppose that the unfinished business will be temporarily laid aside for that purpose.

Mr. SPOONER. Just for a moment, that the Senator from North Dakota may answer the question.

Mr. DUBOIS. Very well.

The PRESIDENT pro tempore. The Senator from North Dakota asks unanimous consent that the unfinished business be temporarily laid aside in order that he may finish his reply. Is there objection? The Chair hears none.

Mr. McCUMBER. There certainly could be no objection to throwing around every citizen the safeguards which would be necessary to establish his innocence and to allow him to establish innocence. It is a serious question, however, whether it would be better to say to importers, "You may rely entirely upon the fact that Federal officials have allowed certain goods to pass into this country as a complete defense," or whether it would be better in the long run to compel them to know what they were selling to the public. I certainly would not desire to object to any amendment that would safeguard any particular class of importers the Senator might suggest.

Mr. SPOONER. The honor of the citizen and exemption from prosecution and punishment throughout the whole country are perhaps of quite as much consequence as this matter of adulteration.

Now, it is not a question as to whether there is objection to it or not. The Senator does not answer my question. In the case I put I can see no possible escape from the conclusion that the importer, without any fault on earth upon his part, without having been in the slightest degree neglectful, would be liable to prosecution and conviction.

This whole bill is to be carried forward and administered by Federal officials. The whole country has got to rely on Federal officials and on their reports, their analyses. Why may not the importer rely upon the certification of the Federal official at the threshold of the country, whose sworn duty it is to analyze samples of the importations and certify them? Why is the whole country to rely upon the fidelity and accuracy of these Federal officials, and yet the importers and the people along the seaboard are not to be entitled to rely upon their scrupulous discharge of duty? I mention this to the Senator as one additional case which makes it seem that this bill needs some revamping in the interest of the liberty of the citizen.

Mr. McCUMBER. Let us take the parallel case of the States. There is a food commissioner in every State, whose duty it is, so far as it is in his power, to prevent the sale of goods of an adulterated or a misbranded character in his State, and not only to prevent the sale after it has gone into the mass of the property of the citizens of the State, but also to prevent it from being shipped into the State as much as possible or to be distributed after it gets into the State. Every State law provides for the punishment of the individual who sells these adulterated or misbranded articles. The same reason, therefore, might be urged against any punishment of those sellers, because they can say, "I have a right to rely upon the assumption that the commissioner of foods and drugs in my State has prevented any goods from being sold in the State that are of an impure or adulterated character." And yet we would not for a moment consider that that should be a proper defense. Our State laws make the individual responsible for what he sells. Therefore, a Government law would not be more harsh which would compel the shipper or the importer to know what he is distributing throughout the country.

Mr. SPOONER. If my friend will permit me, take this case.

Throughout the country the retailer or the wholesaler who buys the imported article from the importer would be protected by his guaranty.

Mr. McCUMBER. I understand that. He would under this proposed law. He is not protected under the present State laws by any guaranty.

Mr. SPOONER. I am dealing with this bill.

Mr. McCUMBER. I was giving a case similar to the one the Senator presented.

Mr. SPOONER. It is not a similar case.

Mr. McCUMBER. It is exactly if—

Mr. SPOONER. If the official of a government, State or national, whose duty it is to certify upon the subject, certifies falsely, the citizen ought not to be punished for it. The local dealer ought to be permitted to rely upon it, but the government official should meet with punishment—removal or imprisonment.

However, in the case I put—and there will be cases without limit, and there will be an army of employees under this bill, and it will deal all over the United States—the law provides that no article of foreign food or drink—and drink is part of the food—or confectionery shall be admitted until it has been tested by the representatives of this very Department under whose dominion the whole country, drugs and all, is to be placed, and found neither misbranded nor adulterated. The importer receives it; he pays the duty; the fact that it is permitted to be withdrawn from the custom-house or the warehouse is evidence to him that it has met the test. Ought he not to be at liberty to execute this guaranty to the firm in Massachusetts to whom he sends that package, never broken in his custody?

Mr. McCUMBER. I am not contending that he should not.

Mr. SPOONER. But under this bill he is not at liberty to do that.

Mr. McCUMBER. The bill will be subject to amendment, and if it is thought best to cover a case of that character—

Mr. SPOONER. But what I want to know is, does the Senator think it best to cover it?

Mr. McCUMBER. I would think it best to have the same character of guaranty from the foreign merchants that you would have from the domestic merchants and manufacturers. I am willing to concede that for my own—

Mr. SPOONER. Otherwise it follows that the imported article meets the test of the Agricultural Department, and then no importer on tide water or dealer in the interior will dare to sell an unbroken package. He will be obliged to employ his own chemist to open it.

Mr. McCUMBER. No.

Mr. SPOONER. He will be obliged to make his own test of it before he can execute his guaranty and protect his consignees. Now, the bill in that respect needs amendment.

Mr. McCUMBER. That would cover perhaps not to exceed one thousandth of one per cent of the entire food products that are sold in the United States.

Mr. SPOONER. But the Senate and the House, passing legislation involving prosecution, conviction, and penalties to the citizen, owe no higher duty as legislators than industriously to see to it that no innocent citizen shall be punished under Federal law.

Mr. McCUMBER. Just to close, I beg to state, however, that I know of no particular reason why the importer should be shielded to any greater extent than the wholesale or retail dealer in any State.

Mr. SPOONER. He is shielded by the importer's guaranty under your bill.

Mr. McCUMBER. Under this law, if it should become a law. He is not at the present time.

Mr. SPOONER. I am talking about this bill, not about no bill.

Mr. McCUMBER. I think the Senator misunderstands the point I have been trying to make in the matter, that by reason of the State enacting the law in that form and not protecting them by the shield is the fact that it does operate and has operated as a shield for the escape of the guilty.

IMPEACHMENT OF JUDGE CHARLES SWAYNE.

Mr. PLATT of Connecticut. Mr. President, I present a resolution, for which I ask immediate consideration.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the message of the House of Representatives relating to the impeachment of Charles Swayne be referred to a select committee to consist of five Senators to be appointed by the President pro tempore.

The PRESIDENT pro tempore appointed as the committee Messrs. PLATT of Connecticut, CLARK of Wyoming, FAIRBANKS, BACON, and PETTUS.

PONCE RAILWAY AND LIGHT COMPANY.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed:

The Senate and House of Representatives:

Referring to section 32 of the act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith an ordinance enacted by the executive council of Porto Rico on August 30, 1904, granting to the Ponce Railway and Light Company the right to construct branch tracks or extensions of its present line of railway around the Playa of Ponce, which ordinance was approved by the President of the United States on October 8, 1904, subject to qualification.

Attention is invited to the accompanying report of the Secretary of State.

THEODORE ROOSEVELT.

WHITE HOUSE, December 14, 1904.

THE AMERICAN RAILROAD COMPANY OF PORTO RICO.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed:

The Senate and House of Representatives:

Referring to section 32 of the act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith an ordinance enacted by the executive council of Porto Rico on August 30, 1904, granting to the Compania de los Ferrocarriles de Puerto Rico and to its assign, the American Railroad Company of Porto Rico, the right to construct a spur or branch railway track connecting its warehouse at the Playa of Ponce with its main line, which ordinance was approved by the President of the United States on October 8, 1904, subject to qualification.

Attention is invited to the accompanying report of the Secretary of State.

THEODORE ROOSEVELT.

WHITE HOUSE, December 14, 1904.

VANDEGRIFT CONSTRUCTION COMPANY.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed:

The Senate and House of Representatives:

Referring to section 32 of the act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith an ordinance enacted by the executive council of Porto Rico on July 7, 1904, amending "An ordinance granting to the Vandegrift Construction Company the right to build and operate a line of railway between the municipality of San Juan and the Playa of Ponce, in the island of Porto Rico, and to develop electric energy by water or other power for distribution and sale for railway, lighting, and industrial purposes."

This ordinance was approved by the President of the United States on August 2, 1904, subject to qualification.

Attention is invited to the accompanying report of the Secretary of State.

THEODORE ROOSEVELT.

WHITE HOUSE, December 14, 1904.

THE AMERICAN RAILROAD COMPANY OF PORTO RICO.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed:

To the Senate and House of Representatives:

Referring to section 32 of the act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith an ordinance enacted by the executive council of Porto Rico on November 4, 1904, granting to the Compania de los Ferrocarriles de Puerto Rico and to its assign, the American Railroad Company of Porto Rico, the right to construct a spur or branch railway track running from its station of Lajas in the southwest direction toward the district of Boqueron, for a distance of about 7 kilometers, which ordinance was approved by the President of the United States on December 8, 1904, subject to qualification.

Attention is invited to the accompanying report of the Secretary of State.

THEODORE ROOSEVELT.

WHITE HOUSE, December 14, 1904.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 16445) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1905, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED.

Mr. HALE. I ask that the bill just received from the House be referred to the Committee on Appropriations.

The bill (H. R. 16445) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1905, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

CIVIL GOVERNMENT OF THE PHILIPPINE ISLANDS.

Mr. LODGE. I ask that the unfinished business may be laid before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14623) to amend an act approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," and to amend an act approved March 8, 1902, entitled "An act temporarily to provide revenue for the Philippine Islands, and for other purposes," and to amend an act approved March 2, 1903, entitled "An act to establish a standard of value and to provide for a coinage system in the Philippine Islands," and to provide for the more efficient administration of civil government in the Philippine Islands, and for other purposes.

Mr. LODGE. The Senator from Idaho [Mr. DUBOIS], I understand, desires to ask some questions in regard to the bill.

Mr. DUBOIS. The senior Senator from Ohio [Mr. FORAKER] offered an amendment to the bill this morning. I understood it was to have been printed by this time and we are expecting it. The amendment provides for a reduction in the tariff duties on certain articles in the Philippines, if I understood it correctly.

I wish to say to you, Mr. President, and to the Senator from Massachusetts, in charge of the bill, that there was no amendment of that character pending, and I was preparing to make some remarks on tariff reductions, but postponed it because I did not think the measure would be before the Senate so soon. I think at this session there is no bill for the reduction of the tariff in the Philippines pending in the Senate, but there is one pending in the House.

I have serious objections to the bill pending in regard to the percentage granted for the building of railroads and also I desire to be certain as to the enforcement of the immigration laws, but my objections were not of so weighty a nature as to delay the passage of the bill. However, as a member of the Committee on the Philippines, I never would have given my consent to the taking of a vote day after to-morrow had I known that the tariff-reduction proposition was to be voted upon in connection with this bill. It is not germane; it is a subject which affects my own State and our western country very much, and I am desirous when that question comes properly before the Senate to submit some remarks upon it. I do not like to be bound by an agreement to vote on that proposition day after to-morrow, and I hardly think it was contemplated that such an amendment would be offered to be voted upon. I certainly as a member of that committee would not have given my consent to vote day after to-morrow had I known that I would have been called upon to vote on that proposition.

Mr. LODGE. Mr. President, the Senator from Idaho is of course aware that the amendment did not emanate from me or from the Committee on the Philippines, directly or indirectly. I knew nothing about it until the Senator from Ohio spoke yesterday of offering it.

Mr. DUBOIS. I understand that thoroughly. I think there was a sort of tacit understanding among the members of the committee, so far as that is concerned.

Mr. LODGE. If the Senator will allow me, I had no understanding in regard to it one way or the other. The subject was not mentioned to me, as I said, until yesterday.

As the Senator is of course aware, this is the bill that passed the House in the last session, was reported from our committee, and went to the Calendar, where it failed at the close of the short session, with the single exception that the Senator from Ohio proposes to lower the rate which the committee proposed on sugar and tobacco from 50 per cent of the present duties to 25 per cent. Otherwise it is precisely the same bill that our committee reported in the last Congress, and which was then so much debated.

The question whether it is germane to the bill is something as to which a point of order may be raised when the amendment is offered.

Mr. DUBOIS. Well, Mr. President, that is not exactly the point that I raised. I certainly, as a member of the Philippine Committee, would not have consented to have voted on the two bills at once. I supposed that we were to vote on the administrative bill for the Philippine Islands. That is the bill which is now pending. There never was an intimation from any member of the committee on either side that we were to merge two bills into one. It was my understanding distinctly, and I

think it was the understanding of my colleagues on this side that we were to vote on the Philippine bill, and, of course, any amendments properly offered to that bill.

Mr. LODGE. The Senator from Idaho must be aware that no unanimous consents or agreements can be made here if we undertake to limit the amendments that may be offered. The agreement in regard to this bill is in the usual form—that is, that the vote is to be on the bill and all amendments pending and to be offered. There is no possible method of which I know of preventing other Senators from offering any amendments they choose on this or any other bill. I never heard of such a thing being done.

Mr. DUBOIS. I thoroughly agree with the Senator from Massachusetts in regard to that; but, on the other hand, whenever we make a unanimous-consent agreement there are implied obligations on all sides.

Mr. LODGE. I can not conceive what obligation there is that binds Senators not to offer any amendments they want to unless it is so expressed. You can not limit the right of amendment in any agreement ever made in the Senate. You can not limit the right of any Senator to offer any amendment he chooses. I myself when I asked for that unanimous consent and received it had no idea that this amendment was going to be offered; but I was perfectly aware that any amendment might be offered under that consent, and I have no doubt amendments will be offered to which I am entirely hostile.

Mr. DUBOIS. Mr. President, if it is in order, I should like to have the unanimous-consent agreement abrogated.

Mr. LODGE. That is impossible, Mr. President.

Mr. DUBOIS. Set aside—

Mr. LODGE. That is utterly impossible.

Mr. DUBOIS. So that we can amicably arrange some way of settlement of the matter. I would not ask Senators to wait on my convenience, but I am exceedingly interested in this subject, and I think it would be impossible to prepare properly for a vote on this question on the day agreed for a vote—the day after to-morrow.

Mr. SPOONER. Mr. President, I suggest to the Senator not to make that request at this time—

Mr. DUBOIS. I beg the Senator's pardon.

Mr. SPOONER. And that he let this matter go over. I am myself disposed to think there is some justice in the attitude of the Senator, and I know the Senator from Ohio would be the last man in the Chamber to take any unfair advantage.

Mr. DUBOIS. I understand that, but I will say to the Senator from Wisconsin—and it is no reflection on him or on the committee—that I know we thought we were to consider the Philippine administrative bill, and I have no desire to offer any objections to its speedy passage. The other question is much more intricate and one requiring more debate.

Mr. FORAKER. Mr. President, if the Senator will allow me to interrupt him, I was out of the Chamber when this colloquy commenced, and I am not yet advised as to what has been said. I only infer from the remarks now being made what is under consideration.

I offered this amendment never dreaming that anybody would take any exception to it such as has been stated. We have repeatedly had this question presented in the Senate. Every time Philippine legislation has been under consideration, where it was at all germane I have offered practically the same amendment, and I have in each instance given notice that I would continue to offer it from time to time as opportunity was presented until we got favorable action, if that was possible.

The agreement entered into with respect to voting on this bill is the usual one—that at a day and an hour on that day named we should vote on the bill and all amendments that might be offered.

Mr. GALLINGER. All pending amendments.

Mr. FORAKER. All pending amendments; all amendments that might be offered at the time before we vote. So that I have offered the amendment strictly within the agreement. It did not occur to me at the time that agreement was made that it was necessary for me to state that I intended to offer this amendment. I had a right to offer it, and if any Senator here had a thought on the subject he should have been of the opinion that I would offer it again, for I had given that kind of notice.

Mr. BAILEY. Will the Senator from Ohio permit me to inquire if the proposition he has made heretofore was not a general reduction on all articles as contrasted with the present one? I understand this only reduces the duty on two articles—sugar and tobacco.

Mr. LODGE. It makes everything else free.

Mr. FORAKER. The amendment which I proposed to offer, which has been introduced and is lying on the table, provides

that all goods and merchandise imported from the Philippine Archipelago shall come in free of duty except only sugar and tobacco, on which there shall be paid 25 per cent of the Dingley rates. So that this does vary somewhat from the amendments I have heretofore offered from time to time.

Mr. LODGE. It is identical—

Mr. FORAKER. But it is in spirit precisely the same as that which was reported by the Philippine Committee two years ago.

Mr. LODGE. It is identical with the bill, I will say to the Senator, which came over from the House during the last session of Congress, and which was reported, except in the rate on sugar and tobacco, which the Senator's amendment makes 25 per cent lower.

Mr. FORAKER. The Philippine Committee of the Senate reported a proposed amendment to the House bill making the duty on sugar and tobacco imported 50 per cent. I put it at 25 per cent. That is the rate I think we ought to adopt, and it did not occur to me when we were making that agreement the other day that any Senator needed notice, for I had given it, that this was a matter that I thought very important, and I intended to press it on every appropriate occasion; and I had a right to offer it without any notice, certainly.

Mr. DUBOIS. Mr. President, it is perfectly evident from the remarks of the Senator from Ohio that there is opposition to his amendment of a very serious nature.

There was not any intimation whatever from the Republican members of the Philippine Committee that we were to discuss anything except the Philippine administration bill. This opposition exists to the reduction as proposed by the amendment of the Senator from Ohio, and under those circumstances I hardly think it is entirely fair to hold us to an agreement to vote day after to-morrow on a proposition which a great many of us want to discuss. I have no disposition to delay a vote on it. A bill is now pending in the House on this proposition, I think, and if the Philippine Committee will bring a bill in and give us any reasonable time to debate it, they will be able to secure a vote on it.

Mr. FORAKER. Mr. President, if the Senator will allow me to interrupt him there, I do not know of any such bill now pending in the House.

Mr. DUBOIS. I may have been in error.

Mr. FORAKER. Yes. I do not know of any bill pending anywhere except only this one where this amendment may be properly offered.

Mr. BAILEY. Will the Senator from Ohio, then, permit me this inquiry? If the bill pending does not lay duties or taxes, exactly how, by amendment in the Senate, we can propose a revenue measure is beyond my comprehension just at this time.

Mr. FORAKER. This is not an amendment affecting the revenues of the United States. The Constitution provides that measures to raise revenues must originate in the House, but they are revenues of the United States; they are not revenues of the Philippine Islands.

Mr. BAILEY. The Constitution—

Mr. FORAKER. If the Senator will pardon me just a moment until I get through—all the revenues, all the tariff duties collected on importations from the Philippine Archipelago are paid over to the Philippine government for its support; and this is simply a reduction in the amount of the revenues that we are to collect for the benefit of the Philippine government. So this is not an amendment to raise revenue for either our Government or the Philippine government.

Mr. BAILEY. Mr. President, the Senator from Ohio is perfectly well aware that the Senate by an overwhelming majority has itself decided that a bill to reduce duties was still a bill to raise revenue; and the fact that this amendment proposes to reduce the duties would not take it out of the constitutional prohibition against originating outside of the House of Representatives if—

Mr. FORAKER. Mr. President—

Mr. BAILEY. Just a moment: I have not finished—if it were clearly a bill to raise revenue for the United States. Now, the Senator interpolates those words into the Constitution, for he will not find the Constitution confining the power of originating revenue bills for the United States to the House of Representatives, because I take it that the men who framed that Constitution never dreamed that the Congress of the United States would undertake to raise revenue for anybody but the United States.

This is not the time nor place, however, to go into the whole argument as to whether the Philippine Islands are a part of the United States, but I believe on a fair understanding of the clause the power to lay duties for any purpose or upon any article must rest with the House of Representatives in its origin.

Mr. FORAKER. I understand the Supreme Court has already decided that legislation affecting the revenues of our insular possessions is not subject to the constitutional provision referred to.

Mr. BAILEY. They have decided that by 4 to 5.

Mr. FORAKER. Well, that was enough, as in many other cases.

Mr. BAILEY. That is the usual division now.

Mr. FORAKER. The point I was making was simply that this is a bill (speaking of the amendment) that affects the revenues of the Philippine Islands and does not affect in any sense whatever the revenues of the United States; and there is no constitutional objection that I know of to introducing such legislation here originally, as a separate bill, or by amendment, for, except only that provision of the Constitution to which the Senator from Texas alludes, it would not be necessary for us to wait on the House to originate a measure laying duties.

Mr. BAILEY. Mr. President—

Mr. FORAKER. If the Senator will excuse me just a moment, I want to call attention to the fact that the amendment which I offered is to be added to section 5 of the bill. This section affects the revenues of the Philippine government, therefore my amendment is perfectly pertinent. Section 5—this is the House bill and this amendment originated there and came into the Senate from the House—reads:

SEC. 5. That material imported into the Philippine Islands for the construction and equipment of railroads therein may, in the discretion of the general government of said islands, under rules and regulations to be by it prescribed, be admitted free of duty.

I add my amendment to that, and it is consistent with it.

Mr. CARMACK. Mr. President, there is a plain, manifest unfairness which is apparent—I do not think any intended unfairness—but I say there is a manifest unfairness in presenting this amendment here at this stage of the bill. As the Senator from Massachusetts [Mr. LODGE] himself says and as the Senator from Idaho [Mr. DUBOIS] says, no member of the Philippine Committee, no Senator here, anticipated or expected or had any right to suppose that any such amendment as that presented by the Senator from Ohio [Mr. FORAKER] would be offered to this bill.

This is a bill which deals with matters of civil government in the Philippine Islands. We have heretofore dealt with the question of tariff on Philippine products by separate bills. We had a bill pending here at a former session of Congress which was debated at length. I understand that the committee of the House of Representatives is now considering a measure of that sort, and nobody supposed that any amendment of this kind would be offered to this bill.

I have always supported the idea of reducing or entirely abolishing all duties on Philippine products, but this amendment raises another question; it raises a very serious constitutional question, whether or not this Senate can proceed to originate a bill raising revenue simply because articles involved come from the Philippine Islands. It does not seem to me that the fact that the revenue goes back to the Philippine Islands has anything to do with that question.

What disposition this Government may choose to make of the revenue it raises does not affect the constitutional question in the least, as it seems to me. As at present advised, I could not afford to vote for this bill no matter how much I favored it, believing, as I do, that the amendment offered by the Senator from Ohio abridges the right of the House of Representatives—its constitutional right.

In addition to that, the plain fact that we were considering one measure, when Senators very much interested in the other matter had no supposition that an entirely different question would be brought up for consideration, is something that ought to control in this matter, it seems to me. There never would have been a consent to vote on this bill on the 16th instant if there had been an understanding that at the very last moment this amendment would be offered, at a time when there is no opportunity to fairly consider or debate it either in its aspects as a revenue measure or the constitutional question involved in it.

I want to say, Mr. President, that there will be a great deal of hesitation about making unanimous-consent agreements hereafter, if a matter of this sort is to be brought in right at the tail end of the discussion and to be added to this bill.

Mr. FORAKER. It is not an unusual thing for something to be raised by a proposed amendment which Senators had not foreseen when agreements to vote have been made; that repeatedly happens. It has frequently happened during my experience here. I do not want to be put in the attitude of appearing even to take any advantage of anybody. That never occurred to me.

Mr. CARMACK. I do not believe the Senator intended anything of that kind.

Mr. FORAKER. It never occurred to me that this was a

question that anybody could say anything new on, or that needed any special debate. We have debated it repeatedly in the Senate. I want to call attention to the fact that on the 24th day of February, 1902, I offered and debated this same measure in general effect. Again on February 14, 1903, the same measure was offered—I mean in effect, not the same language. Again on March 3, 1903, when the Philippine Committee had under consideration a bill affecting the government and revenues of the Philippine Islands, I offered that amendment, and in connection with those debates everybody in the Senate who wanted to speak on the subject was heard, so far as I could observe. We had an exchange of opinions in those debates. I from time to time gave notice, in effect, that this was a matter I thought very important, that I wanted to see the Senate vote on it favorably, and that I would from time to time, as suitable opportunity offered, renew this amendment. At the last session we had under consideration a measure—I have forgotten now what it was—affecting the Philippines, and I intended then to offer this amendment, but we were hurrying along to an adjournment, and I concluded, after Senators had expressed a desire that I should not then offer it, to postpone offering it until this session.

I then gave notice to all who spoke to me on the subject that I should offer it at this session and that I would press the matter upon the Senate. So it never occurred to me when I offered this amendment this morning that I was taking any advantage of my privilege under the agreement to vote, that I was offering an amendment that I did not have a perfect right to offer, or that any Senator would have any thought of taking exception to it.

We have all of to-day, and we have all to-morrow, and we have until 3 o'clock on Friday to debate this proposition. There does not seem to be any disposition to debate anything else in this bill. Why not debate this? I want to debate it but very briefly. I can in twenty or thirty minutes say all I care to say about it, and I do not know of any Senator who will not have an opportunity to say all he has heretofore intimated that he was desirous to say on the subject. Certainly there will be plenty of time for that. I do not know of any Senator who will be cut off.

Mr. BAILEY. I want to ask the Senator from Ohio if he has not heretofore offered this amendment, or substantially this amendment, to revenue bills affecting the Philippine Islands? It has not heretofore, I believe, been offered to a purely administrative bill, or to any bill other than a revenue bill coming from the other House to the Senate. I ask that for information. I am inclined to think that is true.

Mr. FORAKER. I am referring to the RECORD to see. I think the Senator from Texas is probably correct about it.

Mr. BAILEY. I am very much inclined, under proper circumstances, to vote with the Senator from Ohio for a reduction all along the line. Of course I dislike to vote to reduce the duties on sugar and tobacco, in view of the fact that those articles are almost completely controlled by corporations operating in those respective lines; but inasmuch as the reduction on everything else is the total abolition of duty, I would be inclined ordinarily to follow him.

Mr. FORAKER. By reference to the RECORD, I find the Senator from Texas is correct in saying that amendments heretofore offered by me were to revenue bills, but for the reason I stated a moment ago I think it is perfectly competent to offer it to this bill. It is not an amendment that necessarily goes to a purely revenue bill.

Mr. PLATT of Connecticut. Mr. President, I do not wish at the present time to discuss this amendment by inquiring whether the duties ought to be reduced on goods coming from the Philippine Islands, as proposed in the amendment. I should want to be heard upon that question. It is a very serious question and it may affect very seriously and injuriously many interests in the United States. I do not think, however, that we are sufficiently informed at the present day of the facts and of the possibilities and probabilities which would result economically from the adoption of such an act to consider it at this time. Of course, if we are forced to consider it, I shall desire to be heard; but the point I wish to make is this: First, there is reason—moral reason, to say the least—in the point made by our friends on the other side of the Chamber that when they agreed to vote on Friday upon this bill they had no reason to apprehend that such an amendment, not in any way germane to the bill then under consideration, would be presented, and I think, indeed, that their claim that they understood, or had reason to suppose, that no such amendment would be presented or otherwise they would not have given their consent, is well founded.

Now, Mr. President, these unanimous-consent agreements can

not be broken, but, on the other hand, they ought to be observed with reference to the conditions under which they were made and what was fairly in the minds of Senators at the time they were made. It is just as bad to break them as it is to force something on the Senate that Senators had no reason to anticipate would come before them for action, and it is just as bad to force something on the Senate that was not anticipated, which relates to another subject that is not dealt with in the bill, as it is to break them. Therefore, Mr. President, I think that that consideration alone should induce the Senator from Ohio not to press his amendment at this time.

I think, also, that there is great force in the suggestion which has been made here that this amendment is not in order upon the pending bill, and if technically it be in order the Senate ought to hesitate a long time before it takes action which the other House of Congress would naturally feel infringed upon its prerogatives. This bill is not a revenue measure. Section 5 is not a revenue bill. It is not a bill raising money for the United States. Under the Constitution such bills must originate in the House of Representatives. This measure comes from the House. It is not, in my judgment, a bill raising revenue within the meaning of the Constitution, and, therefore, we can not by amendment infringe upon the prerogative of the House to originate bills raising revenue. When we propose to reduce the revenue on imports into the United States, then we deal with the question of raising revenue, as has been decided by precedent and by the courts. I think strictly the amendment is not in order, and if technically it be in order, the Senate ought to hesitate about taking such action as will make the other branch of Congress feel that we have trespassed upon their prerogatives.

Mr. FORAKER. Mr. President, in view of what I have concluded to do, I shall not undertake to answer at length what the Senator from Connecticut [Mr. PLATT] has just said. I shall content myself, in so far as concerns his remarks about this not being a revenue measure within the meaning of the Constitution, by a citation of the title of this proposed act. It is a revenue measure, according to its title, for it is "An act to amend an act approved July 1, 1902, entitled 'An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes,' and to amend an act approved March 8, 1902, entitled 'An act temporarily to provide revenue for the Philippine Islands, and for other purposes.'"

And this bill, with that title, has a section in it to which I have already called the attention of the Senate, which provides that certain enumerated classes of articles shall be admitted into the Philippine Islands free of duty, and the amendment I have proposed is to be attached, if it be acted upon favorably, to that section. So it seems to me that would be enough under any circumstances. But however that may be, it is all I intend to say now, in view of what I have concluded to do, in answer to what the Senator from Connecticut has said upon that subject.

As to the other suggestions made by him, I recognized the fact when I offered the amendment that it did raise important questions, and I expected we would debate them. I had no idea that any Senator who wanted to debate them would be deprived of the privilege of debating them. I had no thought of cutting off anybody. My thought in that regard, in so far as I may have had any thought at all on the subject, was that it was a question which has been repeatedly considered in the Senate. It has been debated here from time to time elaborately, and every question that has been suggested by the Senator from Connecticut has been dwelt upon by Senators in debate. They have dwelt particularly upon the effect of admitting into this country free of duty, or at lower rates than those now obtaining, the articles which are to be imported from the Philippine Archipelago hereafter, as heretofore, especially sugar and tobacco. Senators have been heard on both sides of that proposition.

But I had no thought in introducing this amendment at a late hour in this discussion of cutting anybody off and do not wish to do so. It is because I sympathize fully with what the Senator from Connecticut has said as to the importance of not taking advantage of a consent agreement that I am willing not to press this amendment at the present time. I do not want any Senator to think for one moment that I would take advantage of any agreement to force upon the Senate the consideration of a question that I could not, under other circumstances, force to a consideration.

But I desire to say that this is not a good precedent for us to establish. When we make a consent agreement that we will take a vote at a certain time named upon a bill, and all pending amendments and all amendments that may be then offered, without any limitation or qualification, we agree that every Senator shall have the right to offer any amendment he may feel it his

duty and his privilege to offer, and it will not do for us to make a precedent that because some Senator, when a bill is about to be voted upon, offers an amendment which some other Senator did not foresee would be offered, it is taking an advantage of him, and that the amendment must be withheld or the unanimous-consent agreement be abrogated. When we make an agreement we expect to vote according to that agreement, and to vote on whatever any Senator may see fit to propose to be voted upon without regard to whether we have foreseen it or not.

Nevertheless I am willing, in view of what Senators have said here, to withdraw or withhold the amendment and not press it to consideration at this time, for I can not afford to be classed as one who is willing to take advantage of anybody. Yet I want it distinctly understood that I do not regard that in doing so I am establishing any precedent that anybody is to be bound by in the future.

One thing more. As I now give notice that I will not, under the circumstances, press the amendment, I wish to give notice that hereafter—and I give this notice to all Senators—when ever there is pending a bill affecting the Philippine Islands to which I think this amendment or something like it can with propriety be proposed, I shall propose it if I am here and able to do so. And Senators, when a Philippine Islands bill comes up for consideration, can understand that the subject presented in this amendment, or what will be in general effect its equivalent, will be up for consideration, and that, after having given this explicit notice, I am not going to feel called upon to give any special notice beforehand that I am going to offer it or to withdraw it when I do offer it.

Mr. PLATT of Connecticut. Mr. President, I only wish to say that the title of the bill does not determine the character of the measure necessarily, or indeed at all. I suppose that sometimes, in construing the provisions of a bill as to what they mean, the title of the bill is incidentally considered by courts; but the fact that a bill is called a bill to raise revenue for the United States, if the provisions of the bill do not raise it, would not make it a bill to raise revenue for the United States. I think, as it is, it is an entirely different thing in the title. A bill affecting the revenues of the Philippine Islands is not necessarily a bill raising revenues for the United States.

Mr. FORAKER. Mr. President, I do not know that I understand just what the Senator from Connecticut said, for my attention was diverted and I heard only the closing of his remarks. The point I made awhile ago is that this does not affect the revenues of the United States. The duties that are now collected and paid on importations from the Philippine Islands all go to the treasury of the Philippine government, and under this proposed amendment that provision is continued. The point I make is that the constitutional provision relates to all revenues raised for the United States, and the Supreme Court has held that that provision does not apply when we raise revenues for the insular possessions.

Mr. PLATT of Connecticut. Section 5 relates to imports into the Philippine Islands.

Mr. FORAKER. Yes.

Mr. PLATT of Connecticut. The amendment proposed relates to imports into the United States from the Philippine Islands. That is the difference.

Mr. FORAKER. Whether they go the one way or the other, they are revenues which are raised for the benefit of the Philippine government.

Mr. DIETRICH. I offer the amendment I send to the desk, and ask that it may be read, printed, and lie on the table.

The PRESIDING OFFICER (Mr. ALDRICH in the chair). The Senator from Nebraska offers an amendment, which will be stated.

The SECRETARY. On page 5, section 5, after the word "island," in line 9, it is proposed to insert:

That all officers of the United States Army, Navy, Marine Corps, and constabulary officers of the Philippine government shall have privilege of free entry of all articles, including used household goods, uniforms, and articles for equipment and service, forming a part of the official equipment of United States Army, Navy, Marine Corps, and constabulary officers of the Philippine government, imported for their own use and benefit and not for barter or sale, upon the personal certificate of such an officer that they fulfill the above conditions.

Mr. DIETRICH. Mr. President, I wish to state that the amendment is indorsed both by the Army and Navy Departments and is much desired. Our officers have often been obliged to purchase their uniforms and equipments in this country and to pay duty upon them. It is a hardship to which they ought not to be subjected.

Mr. CULBERSON. My attention was diverted from the moment, and I should like to have the amendment read again.

The PRESIDING OFFICER. The amendment will again be read.

The Secretary again read the amendment.

Mr. LODGE. I believe the amendment is to be printed.

The PRESIDING OFFICER. It is to be printed and to lie on the table.

Mr. LODGE. I do not wish to discuss it now. I merely desire to say that as I understand the amendment it would practically wipe out the revenues of the Philippine government, and I think it would be an extremely dangerous amendment to adopt.

Mr. McCOMAS. I offer an amendment, which I ask may lie on the table and be printed.

The PRESIDING OFFICER. The Senator from Maryland offers an amendment, which will lie on the table and be printed.

Mr. McCOMAS. I should like to have it read.

The PRESIDING OFFICER. The amendment will be read for information.

The SECRETARY. It is proposed to strike out all of section 5 and to insert the following:

SEC. 5. The Philippine Commission, and any succeeding legislature of the Philippine Islands, subject to subsequent repeal or modification by Congress, shall have power from time to time to amend the act entitled "An act to revise and amend the tariff laws of the Philippine Archipelago," passed by the Philippine Commission September 17, 1901, and ratified by an act of Congress approved March 8, 1902.

The PRESIDING OFFICER. The amendment will be printed and lie on the table.

Mr. McCOMAS. I should like to say, in explanation of the amendment, that it is recommended by the Secretary of War. It is an administrative feature. The tariff was made in 1901, and there are defects in classification; some rates are excessive; there are some bad definitions and the like, and the merchants of Manila especially, and perhaps of other places, have been desirous of getting some modifications.

Mr. MONEY. If the Senator from Maryland will allow me, I can not hear anything that he says, nor could I hear what the Secretary read.

Mr. McCOMAS. I will speak louder.

Mr. MONEY. If you please.

Mr. McCOMAS. I will repeat that this is simply a convenient administrative amendment, recommended by the Secretary of War. In his report for this year he states that in the Philippine tariff—the tariff upon goods entering the archipelago—there are incongruities and uncertainties of definition and of classification and the like. The merchants of Manila notably, and perhaps of other places, in 1903 urged speedy action, and of course they got no action. Congress can not act very quickly in the matter of changing the classification, not affecting the tariff upon articles coming into the United States, but simply the tariff, under the guidance of the Philippine Commission, upon articles entering the archipelago.

Now, within two years probably the islands will have a legislative body with certain powers, and this amendment simply enables the Commission, an organized body, to make these administrative changes and corrections, subject to approval, correction, or change by the Congress of the United States when it has time to approve, change, or correct what may be done by the Commission in respect to these features of their own tariff.

The amendment is strongly recommended, and while I shall not read it to the Senate, I will refer Senators to the discussion, on pages 58, 59, and 60, by the Secretary of War, who has very strongly stated the urgent reasons why this administrative power in respect of their own tariff should be accorded temporarily to the Philippine government, subject to change, repeal, or approval by Congress.

Mr. CULBERSON. Mr. President, at the proper time I shall offer several amendments, which now lie on the table, to the pending bill. Among them is an amendment to strike out section 4 entirely. If that amendment should be defeated, I shall then offer one to reduce the maximum rate of interest or income, in section 4, to 3 per cent. If this is defeated, I shall offer an amendment reducing the maximum rate of interest to 4 per cent.

It is not my purpose to discuss the entire bill, for with reference to most of its provisions there is no controversy. Nor do I intend to enter upon the general subject of the future of the Philippine Islands. In two national campaigns in which the question was more or less involved the people of the United States, whether wisely or not, have determined that at least for the present there shall be no change in the political status of these islands. How long this purpose will be adhered to no one may safely say, but if conditions there improve, if trade between the two countries shall become profitable and extensive, and if American capital is widely invested in the Philippines, as now seems probable, thus suggesting an additional reason or pretext for the continued protection and sovereignty of the United States, the present colonial relation may subsist for years, if not indefinitely.

What, therefore, should most concern us now, it seems to me, is to provide the best government for the Filipinos which is compatible with this view, and to adopt such economic and industrial measures as will lead to the development of the islands for the benefit of the inhabitants, without oppressive taxation.

In this spirit I have endeavored to consider the pending bill, and while I will offer no objection to many of its provisions I can not in any way support section 4. This section provides in effect and substance for the guaranty by the Philippine government, which is practically that of the United States, of 5 per cent interest or income per annum for thirty years on \$30,000,000 of railway bonds or other securities. Section 4 of the House bill, which has been substituted for the Senate bill, is more objectionable than the Senate section, because the rights of the United States under the guaranty are not so well guarded, and, notwithstanding what was said the other day by the Senator from Massachusetts [Mr. LODGE], it includes, in my judgment, the guaranty of income or interest on electric street-railway bonds or other securities.

I do not doubt that railroads are essential to the proper and full development of the islands, and that their construction will greatly improve the military situation there as well as tend to the establishment of an orderly and stable government; but the rate of interest proposed will lay an unnecessary, if not oppressive, burden upon a people already impoverished by war and pestilence, and the policy of guaranteeing interest or income particularly at a high rate and for a long period of years, is both contrary to experience and unwise in principle.

The Philippine government, Mr. President, is not now self-supporting, as will appear from a brief statement of the receipts and disbursements of that government:

Philippine revenue and expenditures for 1904.

Total revenue		\$15,297,969.31
Total ordinary expenditures	\$15,227,106.50	
Expenditures, account 1903	1,265,711.38	
Expenditures, account 1902	73,485.12	
Expenditures from Congressional relief fund	2,548,035.74	
		19,114,338.74
Total deficit		3,816,369.43

This statement does not include the cost of maintaining the Filipino scouts, nor does it include the share of the Filipinos in the maintenance of the Army and Navy of the United States there, though in fairness the Philippine government ought to be charged with some just proportion of this expense of the Federal Government.

Notwithstanding this large deficit, which is an increase of \$2,720,000 over the deficit of the preceding year, this bill will increase annual expenses in interest alone \$1,750,000. Section 4, as it does not provide for a sinking fund, will in thirty years levy a tax in interest of \$45,000,000 upon the people and leave the bonded debt of \$30,000,000 principal intact and unpaid as a charge upon the railway property and the commerce of the country; and unless the experience of all other countries is reversed at the end of that time, unless the Government of the United States shall remit the \$45,000,000 of interest, that sum will also stand as a charge against the railway property and the commerce of the islands.

The bonded and other debt of the Philippines, present and proposed, is as follows:

Present indebtedness.

Certificates of indebtedness under coinage act (4 per cent)	\$3,000,000
Second series of such certificates (4 per cent)	3,000,000
Friars' land bonds (4 per cent)	7,000,000

Proposed indebtedness.

Public-improvement bonds under this bill (4½ per cent)	5,000,000
Railway bonds under this bill (5 per cent)	30,000,000
Total	48,000,000

In addition to this the act approved July 1, 1902, as proposed to be amended by section 3 of this bill, authorizes municipalities in the Philippines to incur indebtedness and to issue bonds bearing 5 per cent interest to the extent of 5 per cent of the assessed valuation of real estate in the municipalities, without the approval of the Congress.

The War Department, through the Bureau of Insular Affairs, seeks to reduce the interest charge upon this indebtedness by showing that the certificates and friars-land bonds were sold at a premium, but this explanation is subject to important qualifications. In the case of both the certificates and the friars-land bonds the interest is payable quarterly, which will be a material addition to the nominal annual rate. The interest is payable in gold, while the income of the Philippine government, out of which it must be paid, is payable in the money of the Philippines, and consequently there will be a charge for exchange.

In addition to this it is well known that the friars' land sold for \$7,239,000, but in anticipation of the sale of the bonds which were to be issued in payment for the land, at a premium, bonds were issued for only \$7,000,000, and of the \$530,370 premium on the bonds nearly one-half of it, or \$239,000, was paid in cash for the land.

This indebtedness of \$48,000,000 will amount to a per capita debt of about \$7, and will impose an annual interest charge of \$2,245,000. The principal source of revenue is customs duties, which in 1904 amounted in round numbers to only \$8,745,000, and more than 25 per cent of this would be necessary to meet interest. It is obvious, therefore, that the danger limit is approached in this undue ratio which the interest burden bears to the revenue.

Unquestionably, Mr. President, the guaranty of 5 per cent interest or income on the railway bonds by the Philippine government is substantially the guaranty of the United States. There is absolutely no risk or hazard in these securities, and consequently 5 per cent interest, payable quarterly, which is practically 6 per cent, is high if not exorbitant. Two per cent bonds of the United States sell at a premium, and while there is some difference in the uses which may be made of them there is no material distinction between bonds issued directly by the United States and those guaranteed by them or by one of their governmental agencies.

The experience of the Philippine government, as reported by the Bureau of Insular Affairs, as well as the experience of India, to which we have been pointed, demonstrate that 5 per cent is excessive. Section 2 of the very bill under consideration provides for the issue of public improvement bonds at 4½ per cent. Although they nominally bear 4 per cent, yet in view of the premium at which they sold the last issue of certificates under the coinage act were floated at 2½ per cent. The friars-land bonds, which bear 4 per cent, were negotiated at practically 3 per cent. In India, from which this legislation was taken, the policy of guaranteeing interest or income on independent railway enterprises has been abandoned, and now, whether railways are constructed and operated by the government or are financed or leased by corporations, the interest charge on borrowed capital does not exceed from 3 to 3½ per cent, when formerly it was 5 per cent.

It is estimated, Mr. President, upon high authority, that from 1859 to 1899, largely because of the excessive rate of interest, the Indian government lost on guaranteed railways more than \$289,000,000 in the forty years. Sir James Strachey, in his admirable work on India, written in the most friendly spirit, declares that this loss exceeded \$250,000,000. In 1892 the director-general, in his report for that year, declared that the great loss to the government on guaranteed railways was attributable mainly to the high rate of interest.

Not only is the rate of 5 per cent interest excessive, but the policy of guaranteeing interest or income upon capital invested in railway enterprises for a long period of years is unsound in principle, even though the rate of interest be reasonable. Such a policy, in my judgment, fosters a dependence upon government and encourages a spirit of paternalism in work which although indirectly of benefit to the public is undertaken chiefly for private gain and can not but be hurtful to individual activity and endeavor.

As the guaranty extends over a period of thirty years the Philippine government can not avail itself of favorable conditions in the money market and the decreasing rate of interest. Investors ordinarily will look exclusively to the guaranty, and there will be no incentive to economy and business methods in the control and management of these great properties. If there should be exceptions now and then to this rule, it will, nevertheless, be at the expense of the income, which, in any event, is safe under the guaranty, for, until the expiration of the thirty years, high salaries will be paid to railway officials and the earnings will be placed in betterments and extensions.

The Secretary of War in the hearings before the committee referred particularly to India as offering a successful example of the policy of guaranteeing interest or income, but the history of the period establishes the very opposite conclusion. In truth, the policy has long since been practically discontinued there as expensive and unwise. I have a short historical statement of the construction and operation of railways in India which will bear out my contention and which I will ask the Secretary to read for the information of the Senate.

Mr. ALDRICH. Did the Senator state from what the paper is taken?

Mr. CULBERSON. I prepared it myself—

Mr. ALDRICH. Oh, I beg pardon.

Mr. CULBERSON. And the authority for the statements is given in the paper.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

RAILWAYS IN INDIA.

The total length of railways in India open on December 31, 1902, was as follows:

	Miles.
State lines worked by companies	13,668
State lines worked by state	5,201
Lines worked by guaranteed companies under contract	1,440
Lines worked by assisted companies	2,235
Lines owned by native states and worked by companies	1,689
Lines owned by native states and worked by state railway agency	235
Lines owned and worked by native states	1,317
Foreign lines	73
District boards' lines	71

Total 25,931

In 1903 the total amount of capital raised by the various guaranteed companies was £22,411,054, and for the state lines leased to companies £33,564,178, or a total amount of £55,975,232. This does not include the direct expenditures made by the Indian government in the construction and operation of railways. (Statesman's Yearbook, 1904, pp. 166, 167.)

PLANS OF CONSTRUCTION AND OPERATION.

1. From 1849, when the guaranty policy was entered upon fully, until 1869, the construction and operation of railways was left wholly to companies under some form of guaranty of interest by the Government. This is known as the "guaranteed-interest plan," inaugurated by Lord Dalhousie as governor-general. Stated generally, this plan guaranteed interest at 5 per cent per annum on the capital invested for a period of years, reserved to the government the right to determine the route, to control expenditures, to fix passenger and freight rates, and to superintend and even veto the action of railway agents and officials. The gross receipts were to be paid into the government treasury, mails and postal servants were to be carried free, and troops and military stores were to be carried at reduced rates. At the end of the guaranty period the land and works became the property of the government, the rolling stock and other movable property to be paid for at a fair value. The government had the option of purchasing the line within stated periods at the value of "all shares and capital stock" on the mean market value in London for the preceding three years. (Reed's Railway Policy in India, pp. 10, 20, 57, 60, 61, 62.)

2. From 1870 to 1880 practically all new lines were constructed directly by the government and with the funds of the government. This was the policy inaugurated and pursued by Lord Lawrence as governor-general, and was adopted, it was insisted, because the government could perform the work more satisfactorily and economically. The Duke of Argyll, then secretary of state, replying to the government of India, declared that "both in raising and in expending such additional capital as may be required for new lines in India, the government should secure for itself the full benefit of the credit which it lends and of the cheaper agencies which ought to be at its command." During this and subsequent periods the government, availing itself of the option reserved in the contracts, purchased all except 1,440 miles of the original guaranteed roads, and this mileage will be purchased, it is said, in 1906 and 1908, when the right accrues. The interest cost to the government, both in constructing and operating roads, has been far less under this plan than under the guaranteed-interest plan. (Reed's Railway Policy in India, pp. 20, 22, 23, 57, 94, 95, 96.)

3. Since 1880 railways have been constructed and operated directly by the government and also by what are termed "assisted companies." The policy of guaranteeing interest on roads owned and controlled by companies has, however, been abandoned. The character of the assistance given companies during this period, as distinguished from the plan of guaranteeing interest, has been various. At the outset, in 1880, Lord Hartington, secretary of state, expressed the hope that an effort would be made to attract capital "on the exclusive security of the success of the undertaking," and the financial member of the council, in 1881, Sir Evelyn Baring (now Lord Cromer) declared "if ever the natives of this country are to be schooled in the first rudiments of self-government it is desirable that they should be encouraged to act for themselves in such matters, rather than that they should rely always upon that coercive philanthropy which insists upon doing everything for them." Nevertheless companies were aided and assisted during this time, and chiefly because of necessities resulting from famines. In some cases the assistance was in the form of favorable working arrangements for branch lines with main lines. In other cases companies were mere agents of the government for raising loans for the construction of roads, upon which the government guaranteed interest at rates varying from 3 to 4 per cent, but in these cases the excess of earnings over the guaranteed rate was to be apportioned in certain proportions between the companies and the government, and the road when completed, with its movable property, should belong to the government, which, of course, was responsible for the principal of the borrowed money. In some instances during this time companies successfully undertook the construction of roads without guaranty of any character. (Reed's Railway Policy in India, pp. 30, 31, 32, 57, 81, 82, 83, 84, 85, 89.)

LOSS TO THE GOVERNMENT UNDER THE GUARANTEED-INTEREST PLAN.

Sir James Strachey, in his work on India, though written in a friendly spirit, declares that the total amount paid by the government until the roads ceased to be a burden on the revenues exceeded £50,000,000. They ceased to be burdens principally because they were purchased by the government and the interest charge was reduced.

Reckoning from 1858-59 to the end of 1899, the total loss to the state on railroad account has been £57,817,487, which, in general terms, may be looked on as the price at which its railway experience and the indirect advantages resulting from the construction of railways have been acquired by the government of India. (Encyclopædia Britannica, vol. 29, pp. 444-445.)

In 1892 it was said in the report of the director-general: "The loss on guaranteed railways is mainly attributable to the comparatively high rate at which the guaranteed interest has to be paid. Under its contracts with guaranteed railway companies the state has to pay interest at the guaranteed rates until the contracts terminate, and it is consequently unable to obtain any advantage from the increasingly easy condition of the money market; that is to say, where the state could now raise money at a little over 3 per cent to pay off loans raised at higher

rates of interest it has still to continue to pay at or near the high average rate of 4.8 per cent on the capital raised by the guaranteed companies; and now, owing to the fall in exchange, the amount of rupees which have to be remitted to England to pay the sterling interest charges is equivalent to a payment of interest of over 6.4 per cent on the total capital raised converted at par."

Mr. CULBERSON. Section 4 of this bill, to which I have devoted my attention, should not appeal to those who would lift burdens from the Filipinos rather than impose them. All of these people are yet in poverty, and some of them are yet in ignorance and barbarism. At a time when they should be taught the elementary principles of self-government and infused with a spirit of self-confidence they are being educated to lean upon the government for support, and to rely, as Lord Cromer expressed it, upon that "coercive philanthropy which insists upon doing everything for them." The guaranty, moreover, as I have endeavored to point out, is unduly onerous upon the Filipinos. It will create a per capita debt and an interest charge extending over thirty years, which, with other indebtedness and current expenses, their commerce and industries are in no condition to bear.

Following Great Britain in India, it is proposed to adopt the policy of guaranteeing interest and income on capital invested in railways controlled and owned by corporations, although that Government, after trial, abandoned the policy thirty-five years ago. The same high rate of interest is insisted upon in this bill which Great Britain only accepted as far back as 1849, notwithstanding that Government is now obtaining all necessary railway capital at 3 per cent and notwithstanding the general trend of the interest rate is downward.

Measured by the experience of India, which has been invoked by the Secretary of War in support of this bill, the construction and operation of the roads directly by the Government would certainly be more economical and probably would be more efficient.

There are in the Philippines, as I said the other day, 70,000,000 acres of unappropriated public domain, and it is claimed that a thousand miles of railway should be constructed in the islands. If 20,000 acres of land to the mile of railway be granted, which is in excess of the grant made under the policy which was pursued in Texas, all the necessary road could probably be secured without further cost to the Government, and it would be relieved of the necessity for the increased taxation which would be created by the passage of the pending bill. It would, in my judgment, Mr. President, be preferable to the guaranteed-interest plan to adopt a land-grant policy in the Philippines or to remit the question of railway development there to private enterprise, encouraged, if need be, by grants of the right of way over the public domain of the islands and such lands as may be necessary for depots, shops, round-houses, and other like railway purposes.

Mr. LODGE. Mr. President, I wish to say a single word in regard to the amendment which was offered by the Senator from Maryland [Mr. McComas], embodying an amendment which is in the report of the Secretary of War.

Under the present law the Philippine Commission can not revise the tariff of the Philippine Islands—that is, can not put a revision into effect—without the assent of Congress. The amendment proposed by the Secretary of War gives them the power to put a new tariff into effect, subject only to repeal and modification by Congress. It is a very important alteration. It was never suggested until the appearance of the report of the Secretary of War.

I have more confidence in the opinion of the Secretary of War in regard to matters in the Philippine Islands than that of any other man. My disposition would be to follow him almost blindly on anything that he recommended. But this, Mr. President, is a very important change. It is giving to that Commission a very large power, one that not only affects the revenues and the condition of the Philippine Islands, of which they, no doubt, are the best judges, but it may affect our business and the relation of foreign nations to the business of the islands.

This proposition has never been considered by any committee. It has never been before Congress. It is very far-reaching, and I think it would be most unfortunate on this bill at the last moment, without an opportunity to consider it more fully, to make such a radical change in our arrangements there.

I have seen, as it happens, some of the changes now proposed by the Commission in the Philippine Islands in the revision of the tariff which they are undertaking. Of course, under the open-door policy, which it is most important to maintain there, all nations go in at the same rates; but rates can easily be arranged so that in their incidents they are more favorable to one country than to another. In some of the duties which I have heard were proposed by the Philippine Commission the manner of the arrangement is very unfavorable to the United States. I

think all nations ought to go in as equally as possible, but I am very certain that duties ought not to be arranged so as to discriminate against us.

The importing business in Manila is carried on almost exclusively, if not wholly, by foreign houses, who naturally make their importations from countries other than the United States. They are on the spot; they are the people whose voices are heard by the Philippine Commission. The Commission is far removed from the United States and from the people here who are familiar with our industries and manufactures.

It seems to me that we ought not to make such a radical change as this amendment proposes without more consideration than has been given to it. I do not mean to say that I myself could not be convinced of the wisdom of the change proposed by the amendment, but I am not prepared to support it now, and I hope very much that it will not be adopted by the Senate.

I desire, Mr. President, while I am on the floor, to make one or two verbal changes, which I think improve section 4 in construction. They do not go to the substance of it at all. In line 2, after the word "of" and before the word "railroads," I propose to insert the word "such."

The PRESIDENT pro tempore. Is there any objection to the Senator's proposed amendment? The Chair supposes that under the unanimous-consent agreement ordinarily all amendments should lie until the hour of voting came.

Mr. LODGE. Very well. These are merely verbal amendments. I do not suppose that any Senator will object to making them.

The PRESIDENT pro tempore. That is why the Chair asked whether there was any objection.

Mr. LODGE. If there is objection, of course I will let them go until the vote is taken.

The PRESIDENT pro tempore. The Chair hears no objection to this one.

Mr. LODGE. They were amendments, I am bound to say, suggested by the Senator from Iowa [Mr. ALLISON] to me, and they seem to me to improve the wording of the section very much.

After the word "railroads" insert:

as the Philippine government may specifically authorize to be constructed.

The PRESIDENT pro tempore. Is there objection to this amendment? The Chair hears none.

Mr. LODGE. So it will read:

That for the purpose of aiding in the construction, equipment, operation, and maintenance of such railroads as the Philippine government may specifically authorize to be constructed.

The PRESIDENT pro tempore. The Chair hears no objection to the amendment, and it is adopted.

Mr. LODGE. In line 17 strike out the words "as well as."

The PRESIDENT pro tempore. The word "as" is already stricken out.

Mr. LODGE. The words "as well" should also come out. So all three go out.

The PRESIDENT pro tempore. The Chair hears no objection to the amendment, and it is agreed to.

Mr. LODGE. In line 20 strike out the words "as also" and insert the word "and."

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. LODGE. In line 22, after the word "Government," insert "or in any other method than."

The PRESIDENT pro tempore. Is there objection to this amendment? The Chair hears none.

Mr. LODGE. That is simply to enlarge in the fullest possible way the supervision of the Commission.

The PRESIDENT pro tempore. The bill is still before the Senate as in Committee of the Whole, and open to amendment.

Mr. CULBERSON. In view of the amendments proposed by the Senator from Massachusetts and adopted, I suggest that the bill be reprinted to-morrow, so that we can have it in its present form.

Mr. LODGE. We can have a reprint of the bill embodying the amendments, showing just where they come in, because they are mere changes in the wording.

The PRESIDENT pro tempore. The Senator from Texas asks that there may be a reprint of the bill as amended.

Mr. ALLISON. I ask that these amendments may be read in connection with the text, so as to see the full effect of them.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

Mr. LODGE. Beginning at line 15—"and shall provide."

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

And shall provide for supervision by said government of the conduct of the finances of the road and its location, construction, and maintenance by the presence in the board of directors of two or more government directors, the number and manner of their selection to be determined by law, and by such further supervision, through the auditing, engineering, and railroad bureaus of said government, or in any other method than as the public interest shall require.

Mr. ALLISON. May I suggest to the Senator in charge of the bill that the word "or" should be stricken out and "and" inserted in lieu?

Mr. LODGE. So as to read, "and by any other method?"

Mr. ALLISON. "And by any other method." The object of this amendment, as I understand it, is that the Philippine government shall have full control of the location, construction, and maintenance of these railways, either by the presence of two directors or by engineers, etc., and by such other methods as they may provide for.

The PRESIDENT pro tempore. The Chair will ask the Secretary to read a particular line in the section to see if it is as the Senator desires it.

The SECRETARY. Beginning in line 19:

The number and manner of their selection to be determined by law and by such further supervision, through the auditing, engineering, and railroad bureaus of said government and by any other method than as the public interest shall require.

Mr. ALDRICH. No; not "than."

The PRESIDENT pro tempore. It reads "than."

Mr. ALDRICH. It ought not to be there.

Mr. CULBERSON. The word "than" should not be there.

Mr. LODGE. No.

Mr. SPOONER. It has no use there.

Mr. LODGE. There is no word "than" there that I can see.

The PRESIDENT pro tempore. After the word "government," the amendment proposed was to make it read "and by any other method than."

Mr. LODGE. "Any other method that" is the way the amendment reads.

Mr. DIETRICH. I should like to ask the Senator from Massachusetts who has charge of the bill a question. I will first read the balance of section 4, commencing on line 22, after the word "require."

The said guaranty may be made in the form of a guaranty of interest on bonds or of income on preferred or common stock.

I should like to ask the Senator if the bill passes and becomes a law, and the Commission should conclude to pay that guaranty upon preferred stock or common stock, would that prevent the railroad company from issuing bonds upon said road, and, if the company should do so would not that become a first lien upon said road and would not the interest upon those bonds have to be paid?

Mr. LODGE. Mr. President, that point has been raised before. I think, under the large powers given to the Commission, of course they would protect the Government against that. To suppose that such a condition as that would arise would be to suppose a criminal negligence in the Commission.

Mr. SPOONER. Mr. President, I have been unable to rid my mind of some doubt as to the wisdom of the following amendment proposed by section 3 of this bill to section 66 of the act of July 1, 1902:

SEC. 66. That for the purpose of providing funds to construct sewers, to furnish adequate sewer and drainage facilities, to secure a sufficient supply of water, and to provide all kinds of municipal betterments and improvements in municipalities, the government of the Philippine Islands, under such limitations, terms, and conditions as it may prescribe, with the consent and approval of the President of the United States, may authorize and enable, by appropriate legislation, any municipality of said islands to incur indebtedness, borrow money, and to issue and sell (at not less than par value in gold coin of the United States) registered or coupon bonds, in such amount and payable at such time as may be determined by the government of said islands, with interest thereon not to exceed 5 per cent per annum: *Provided*, That the entire indebtedness of any municipality shall not exceed 5 per cent of the assessed valuation of the real estate in said municipality, and any obligation in excess of such limit shall be null and void.

The language is, of course, very broad. There is no doubt but that all municipalities ought to be able to supply themselves with adequate sewer and drainage facilities and to secure a sufficient supply of water. But there is no possible municipal betterment, whether needed or not needed, whether more a luxury than anything else or the result of competition in municipal improvement, that would not be covered by the language of the section: "All kinds of municipal betterments and improvements in municipalities."

Mr. LODGE. That is taken from the present law.

Mr. SPOONER. The Senator, I knew, was about to say that it is taken from the present law. It makes practically but one change in the present law, and that is to eliminate Congress from it and to put the entire responsibility for what may turn

out to be preparation for a general bankruptcy over there upon the Philippine Commission and the President. It reads:

Sac. 66. That for the purpose of providing funds to construct sewers, to furnish adequate sewer and drainage facilities, to secure a sufficient supply of water, and to provide all kinds of municipal betterments and improvements in municipalities, the government of the Philippine Islands, under such limitations, terms, and conditions as it may prescribe, with the consent and approval of the President of the United States, may authorize and enable, by appropriate legislation, any municipality of said islands to incur indebtedness, borrow money, and to issue and sell (at not less than par value in gold coin of the United States) registered or coupon bonds.

Mr. LODGE. The Senator will notice, as he did not finish reading the last part of the section, that we have in this bill restricted the amount which any municipality can borrow.

Mr. SPOONER. To 5 per cent of the assessed valuation of the real estate.

Mr. LODGE. The old law covers all property in the municipality. This bill proposes to limit it to the real estate.

Mr. SPOONER. Well, that is an improvement. Out in the western section of the country the power in municipalities, counties, and cities to issue bonds for the construction of railroads brought a great deal of trouble. It brought repudiation in my own State in a number of municipalities. There was a time when every community was ready to vote money to aid in the construction of railroads.

Mr. LODGE. The Senator seems to think that this language includes railroads.

Mr. SPOONER. No; I do not.

Mr. LODGE. I thought the Senator did.

Mr. SPOONER. I know it does not. I have had very grave doubt whether a power so general, so absolutely without limit as to the improvements for which bonds might be issued, without restriction as to the size of the municipality, its necessities, or its taxable property, should be granted. I have very grave doubt whether the Congress should divest itself of some supervision over a subject of so great consequence in the islands. I agree that it would be embarrassing if no municipality there could be authorized to issue bonds for a municipal purpose without first awaiting the authority of Congress, but I think some general legislation might be enacted in the Philippines with general restrictions limiting somewhat the issue of bonds according to the size of the municipalities. They do not have municipalities like ours; they are not a people like ours. In the competition among those villages and among that people for improvements they will not realize, as our people realize, that it is easier to vote bonds than it is to pay them. We are their guardians, and we have got to look after their future so far as they are under our charge and supervision.

I think the Philippine Commission might be authorized to frame some general legislation providing what might seem to the Commission adequate safeguards, and let that be submitted to Congress and to the President. It is a subject about which we can not be too careful. It is capable of all sorts of abuse. It is a great power to vest in a board of commissioners representing the authority of the United States over there among 7,000,000 people—people who have lived under Spanish domination and have not been accustomed to much in the way of improvements, who might go wild with it and be captivated by it; and I am frank to say that I do not feel quite satisfied with the proposition that Congress should be—and that is pretty much the purpose of this bill, evidently—eliminated altogether from the situation in respect to the issuance of bonds by municipalities. If legislative safeguards are adopted over there and submitted to Congress, then, of course, whether a given municipality shall be permitted to incur a bonded debt for municipal improvements I should be entirely willing to leave to the approval of the President; but I doubt the wisdom of turning the whole subject over without Congressional supervision in some of its aspects.

Mr. LODGE. I have given a good deal of consideration to this point in the bill. If I thought the supervision of Congress would really give any protection or be any restriction I should be very slow to assent to its removal. I think, as a matter of fact, the present arrangement requiring the action of Congress on the loans of every small municipality in the Philippine Islands produces great delay, and sometimes a delay that may be very serious to the inhabitants of the municipality and with no corresponding benefit. It is impossible, as it seems to me, for Congress to judge of the necessities of those towns in the Philippine Islands. We are obliged to rely on the Philippine Commission. I recognize the very great power put into their hands, but we are obliged to rely upon the Commission's judgment; and if they sent over a number of loans, asked for by a dozen or twenty small municipalities, Congress would accept the opinion of the Commission, if approved by the Secre-

tary of War and the President. It would be impossible for us to do otherwise. We have no knowledge of our own.

We could not send committees out there to visit those villages and towns. It does not seem to me that we really gain anything by Congressional supervision. Whether the Congressional supervision is there or not, I think the responsibility must rest primarily with the Philippine Commission and secondarily with the President and the War Department. I think the addition of Congressional supervision is only productive of delay and adds very little to the safety that is required.

We have improved the provisions of the present law, I think, by limiting the property on which a debt is to be based to the real estate. That is a very large restriction, and I really think that the law as a whole as proposed in the bill now pending is an improvement on the existing law. We limit the amount of money that they can borrow, and I do not think we reduce the safeguards at all by removing the supervision of Congress.

Mr. ALLISON. I want to call the attention of the Senator from Massachusetts to the present law on this subject, especially as respects the city of Manila. In the law passed two years ago we specifically authorized the city of Manila to borrow \$4,000,000, under certain limitations, for the purpose of securing to that city an adequate sewage and drainage system, supply of water, government buildings, and so forth. I ask the Senator whether it is the intention by this general clause to supersede the legislation found in the law of 1902; and if it is, what effect the 5 per cent clause will have upon that city?

Mr. LODGE. I think that is a very important point, which I confess had not occurred to me. I think that after the word "municipalities," in line 12, should be inserted the words "other than the city of Manila."

Mr. ALLISON. I am not quite sure that such an amendment should be made, because the authorization of \$4,000,000 is a limitation upon the city of Manila, and it might be inferred, if we leave out the city of Manila here, that in no case could the city of Manila borrow money for the purposes authorized in this bill, but any other city might.

Mr. LODGE. The point which I have suggested may not be the right place for the amendment; but it had not occurred to me that this might be taken to include the city of Manila.

We made specific arrangements for Manila, apart from all the other municipalities, in the general bill. I do not understand that there is any desire to borrow more money for Manila, and I think Manila stands on a different basis from all the others.

Mr. ALLISON rose.

Mr. LODGE. I say I do not understand that there is such a desire.

Mr. ALLISON. I do not know that there is.

Mr. LODGE. I think for that great city alone, for it is a great city, it is a question which might well remain as it is in the organic act. If Manila needs to borrow additional money, that is a matter which can be brought to Congress, and for which special arrangements may be made. I think Manila ought to be excluded from the operation of this section. The amendment I suggested may not properly come in at the particular point at which I suggested it, so I will reserve it until to-morrow. But I think Manila ought to be excepted.

Mr. CULBERSON. The Senator from Massachusetts [Mr. LODGE] has said once or twice, unless I misunderstood him, that section 3, to which the Senator from Wisconsin has alluded, was limited to 5 per cent of the total taxable real estate of the municipality. I do not understand that as does the Senator from Massachusetts. The section provides:

That the entire indebtedness of any municipality shall not exceed 5 per cent of the assessed valuation of the property in said municipality.

Mr. LODGE. The committee adopted that amendment. It was reported to the Senate, and has been adopted by the Senate. So the clause now reads: "The assessed valuation of the real estate in said municipality."

Mr. CULBERSON. When was the amendment adopted?

Mr. LODGE. It was adopted last April.

Mr. CULBERSON. It is not in the bill we have here.

Mr. LODGE. Then the Senator is unfortunate in not having the latest print of the bill. I had the bill reprinted the first day of the session.

Mr. CULBERSON. I will get a copy of the reprint.

Mr. NEWLANDS. Mr. President, there is one matter which I should like to call to the attention of the Senator from Massachusetts, and that is that there seems to be no provision regarding the taxes to be paid by these railroads or the regulation of their rates. Is there anything in the present organic law of

the Philippine Islands, of which this is amendatory, that provides for anything of the kind?

Mr. LODGE. The railroads there are taxed in common with all the other property of the islands.

Mr. NEWLANDS. How about the regulation of rates?

Mr. LODGE. There is nothing here about the regulation of rates.

Mr. NEWLANDS. I should like to ask the Senator from Massachusetts—

Mr. LODGE. I think we had better leave the matter of the regulation of rates until we get the railroads. Does not the Senator from Nevada think so?

Mr. NEWLANDS. I should think it is a matter which should go in here.

Mr. LODGE. I do not see how you can tell what the rates ought to be until the roads are built.

Mr. NEWLANDS. I do not think this body can fix the rates, but it can provide for a body that can fix the rates and fix the principle upon which those rates shall be determined.

Now, with reference to taxes, I think it is of the highest importance that we should provide a rational system of taxation of railroads in the Philippine Islands at this time, when a comprehensive railroad system is about to be inaugurated. We trusted to accidental legislation in this country upon this important matter, and we all know that there is no subject concerning which there is so much confusion in this country to-day as that of railway taxation.

It seems to me we have an opportunity here to provide for a scientific adjustment of this question, and that in inaugurating all these various plans for the improvement of the Philippine Islands we should avail ourselves of the experience we have had in this country and should not wait until time develops the evils and abuses that are bound to creep in unless we guard against them. I believe in anticipatory and preventive legislation rather than corrective legislation.

The Senator from Massachusetts says this property will be subject to taxation in the Philippine Islands as all other property is. I should regard that as a misfortune, for under the laws of most of the States, or a great many of them, railroad property is taxed as other properties are, and yet we find the greatest inequalities existing. We find in one State an assessment of \$10,000 a mile and we find in an adjoining State an assessment of \$20,000 a mile upon a part of the same system of railroad. We find in one State an imposition of the usual tax upon the assessed value, while we find in another State a certain percentage of the gross receipts of those railroads or a certain percentage of the net receipts of those railroads paid to the State government as taxes.

Now, the matter of taxation is important not only to the people of the Philippine Islands, but it is also of the highest importance to the projectors of this railroad. As a business proposition it is of the highest importance to the owners of this railway that the tax shall be mathematically adjusted at the very start, so that it will be a matter of certainty upon which they can count in financing the road. If you have a system of assessment there as you have in this country, I presume the assessments will vary with the judgment of the various assessing officials. One assessor in one province will put a low valuation. An assessor in an adjoining province will put a higher valuation. An assessor in the next province will put a still higher valuation. Then we will have the railroad interesting itself in all the problems of government in the various provinces and municipalities so far as they relate to taxation. They will be forced by their own interests into a partial or entire control of administration.

Even if they are willing to submit to a fair tax, they will always have in view the fact that the assessing officials have the absolute power of determining the amount of their assessment, and that the assessor who wants to blackmail or the assessor who wants to oppress has the power to raise their assessment and to raise their taxes; and they know that their taxes will be as variable as the number of assessors—that they will be as variable as the number of provinces and municipalities.

Now, it seems to me we can easily put into this bill a provision which will determine to a mathematical certainty the amount of the tax that is to be paid. It will be well to commence with a very small tax in the first place and gradually to increase it to such a percentage of the gross receipts of the railroads as experience in this country has shown they can fairly pay.

If there is a system of reports of gross receipts of the railroads to the Philippine Commission, which I have no doubt will be provided for, the Philippine Commission will know exactly the amount of gross receipts annually, and if you impose a percentage tax upon the gross receipts of the railways the Phil-

ippine government will know exactly what it will receive; the railways will know exactly what they have to pay; and, above all, the projectors of the railways, whilst they are financing them, will know to a certainty their obligations for the future.

So it seems to me we ought to provide in this bill for a certain percentage tax upon the gross receipts of the railroads, commencing with a very small percentage, perhaps 1 per cent, running over a period of five years or more during the infancy of the railroads, and then gradually increasing it at the rate of a quarter of a cent per annum, running over a period of years, until it reaches 5 per cent upon the gross receipts; and I should say that in the ultimate 5 per cent upon the gross receipts of the railroads would be a fair tax.

The experience of all men engaged in railroad building in this country is that about 65 per cent of the gross receipts go toward operation and the other 35 per cent go to taxes and to profit upon capital. That is the experience of successful and well-conducted railroads in this country. An imposition of a 5 per cent tax on gross receipts, then, means that of the total net receipts of the railroads over operating expenses they will contribute one-seventh toward the expenses of government. In our country to-day we have 200,000 miles of railroad, capitalized in bonds and stocks at about \$12,000,000,000, whose market value is about \$10,000,000,000. The gross annual receipts of all those railroads aggregate about \$1,700,000,000, and the total taxes paid by these railroads, under different methods of assessment and taxation, amount to about \$51,000,000, or 3 per cent of the gross receipts on the average.

Some of the railroads in this country pay too much. Most of them, however, pay too little, and there is a constant movement toward higher taxation, and, as the result of popular agitation, the pendulum is likely to swing too far the other way. It is claimed by many that railroads should pay taxes upon the same valuation as that upon which they receive rates. Such a rule of assessment, though apparently fair, would result in more than trebling the present total taxes paid by the railroads of this country and sadly impair present dividends, and yet under the present system it is within the discretion of the assessing officials of the country, numerous as they are, to vary the assessment of railroads from \$10,000 per mile to \$50,000 or more per mile, according to the rule of valuation which they adopt. Is it any wonder that railroads feel the necessity of keeping in politics when these variable powers exist, and would it not be conducive to clean politics and to a more scientific regulation of railroads if the taxes of railroads could be mathematically ascertained by a percentage tax on gross receipts, so that they would know to a certainty what they would have to pay, and so that they would be free from the necessity of interfering in the election of every assessor and every board of equalization and every other body that has anything to do with taxation in this country?

We would free them from the necessity of intervening in politics, so far as taxation is concerned, and we would free the government of every State, county, and municipality in this country from what now constitutes a corrupting influence. So it seems to me with reference to taxes we should provide for a percentage tax upon the gross receipts of the Philippine railroads, gradually increasing it, so that when the railroads are prosperous they will fairly contribute to the support of the Philippine government.

Now, then, as to the question of rates. The Senator from Massachusetts [Mr. LODGE] suggested that we should wait until the railroads are built and in successful operation. It seems to me that it is fair to the railroads to tell them now what we propose to do in the way of the regulation of rates, and it is fair to the people of the Philippine Islands that we should tell them what we propose shall be done by the Philippine Commission with reference to the regulation of rates.

All this contributes to certainty in the financing of these corporations. And besides, if we allow \$35,000,000 of private capital to go into these railroads without any control either as to taxation or rates we will find that the men owning the \$35,000,000 of investment will be the dominating influence in the Philippine Islands, just as similarly situated men have been in every State in this Union. We will find that unless they are properly controlled by law they will reach out for exaggerated profits, and we will find also that they will endeavor to control legislation and regulation in the interest of exaggerated profits; and so we will have another corrupting influence in the Philippine Islands in the conduct of government there.

The question is, What is a fair regulation of rates? That is the question which is before us now in this country. The President has called the attention of the entire country to the necessity for regulation of rates by the Interstate Commerce Commission with reference to interstate commerce. I am not

prepared to say that I could suggest at this moment a just and fair and accurate method of determining the rates of railroads, but it does seem to me that it is a matter which should receive the study of this Congress. It is a matter upon which we ought to have expert opinion. Here we have the Interstate Commerce Commission, composed of men who for years have been devoting themselves to these problems, and who have been presenting year after year to Congress reports that are never read. It is a body of capable, trained, experienced, and efficient men, convenient to us.

Why should they not be called in by the Committee on the Philippines and consulted with reference to a method of regulating the rates of the roads after they are built? Why should we not take their advice, or modify their advice or take our own action after their advice and incorporate in this bill a fair and just provision—fair to the people of the Philippine Islands and fair to the railroads themselves? It will reduce the railroad business, so far as legislation is concerned, to a mathematical certainty, so that these men will know what they are about to finance and so that the people of the Philippine Islands and the government of the Philippine Islands will know what are the obligations of the railroads so far as concerns their relation to the Government.

There are various methods of determining the rates. We can not fix them in this bill, of course, but there is one method which works automatically, and that is to limit the dividends of the railroad upon its capital invested. That limitation may be a low one, it may be a high one, according to your judgment. The extraordinary condition of things in the Philippine Islands may warrant at the commencement a higher rate of interest upon the capital invested than obtains in this country. If you should conclude to allow that higher rate of interest, you can put in the act itself a provision that it shall be gradually lowered.

A limitation of dividends will operate automatically toward a reduction in rates, for the gross receipts of the railroads go first to operating expenses, second to taxes, and third to the profit on the stocks or bonds. If the income of a railroad increases, and you limit dividends to 5 per cent or 6 per cent or 7 per cent, whatever you may determine shall be the limit under the act, an increase of business will accomplish automatically one of three things—either a diminution in rates, or a betterment of the road, or an increase in the wages of the operatives. One of those three things is bound to be accomplished and possibly all, and all will operate to the benefit of the people served by the railroads. Thus you do not impair initiative or affect the energy or the enterprise or the powers of those who control the railroad.

You give them entire freedom of action with the sole limit that there shall be equality of service and equality of rates. A limitation of the dividends will necessarily cause a reduction in rates, the betterment of the road, or an increase of the pay of the men employed on the road if there is any increase of business. I am sure that on this bill we ought to deal liberally and justly and fairly with the men who are going into this project, and we certainly do not want to put into this bill anything that would be prohibitory of enterprise. But it does seem to me it is essential that we determine with absolute certainty the obligations of the railroads, not only in their own interest, but in the interest of the public.

There is one thing further I wish to say in this line, and that is to urge again that we consider the question of authorizing the Philippine government to construct the 1,000 miles of railroad which will constitute, according to the testimony of Secretary Taft, a comprehensive system of railways for the islands. Under this bill you authorize the Philippine government to guarantee an income of 5 per cent upon the capital invested, \$35,000,000, or rather upon \$30,000,000 of that \$35,000,000, \$35,000,000 being the estimate of the cost, \$30,000,000 being the extent of the guaranty. That means a possible payment by the Philippine government of \$1,500,000 a year for thirty years, making \$45,000,000 in all, a very large sum.

Judging from our experience with State-aided railroads, we must conclude that that guaranty will be paid, for never in the history of our country has such an obligation been assumed by the public, either national or State, that its execution has not been forced. So we can safely assume that these railroads will be so conducted that the Philippine government will have to pay that 5 per cent, amounting in all to \$45,000,000. Under this bill has the Philippine government any lien upon the roads for the repayment of the \$45,000,000, or are the railroads put under any obligation whatever to repay it? Oh, no. It is a guaranty of income, and if it is paid it is an entire loss to the Philippine government.

The Philippine Commission is admirably constituted for ex-

ecutive work. It is a legislative and an administrative and an executive body, composed of capable and well-trained men. To whom could you better intrust such a work as this? And if you authorize the Philippine government to issue bonds for \$35,000,000 and make those bonds a lien upon the road, it can certainly negotiate those bonds on a less interest basis than 5 per cent. The bonds already issued by the Philippine government have been issued at a less rate of interest. If you will add to the bonds the guaranty of the United States, they can be negotiated at 2 per cent, and I see no reason why we should not add the guaranty to those bonds.

It is to be assumed—and must be admitted—that when the Government of the United States, making use of the Philippine Commission as a Government agency, authorizes it to issue bonds, those bonds ultimately will become the moral if not the legal obligation of the United States if they are not paid. And as in the eyes of Government, a moral obligation is equal to a legal obligation, I would make this a legal obligation now, so as to reduce the rate of interest to 2 per cent. You could certainly reduce it to $2\frac{1}{2}$ per cent. Then, what would happen? If the business of this railroad yields 5 per cent upon its cost, as seems to be anticipated by this bill, $2\frac{1}{2}$ per cent will go to the payment of interest on the bonds and the other $2\frac{1}{2}$ per cent will go toward the liquidation of the bonds.

You thus have over \$800,000 a year applicable to the interest on the bonds, and in addition over \$800,000 a year which can either go to the redemption of the bonds or into a sinking fund for the redemption of the bonds; and as the redemption of the bonds goes on the proportion of this total sum of over \$1,600,000 annually which can be applied to the redemption of the bonds will constantly increase, while the amount that is applicable to interest upon the remaining bonds will constantly diminish. So that year by year the interest on the bonds will constantly diminish as they are retired, while the sum applicable to the redemption of the bonds will constantly, year by year, increase.

I have made no mathematical calculation regarding this matter, but my impression is that under this system, if the income of the railroad does not exceed 5 per cent per annum on cost, the entire bonds will be extinguished within twenty years, and the Filipino people will be subjected to no greater burden in the shape of rates than this bill seeks to impose, and they will at the end of twenty or twenty-five years be the owners of \$35,000,000 worth of property, whereas if the plan of this bill is carried out the Philippine government may and probably will pay out \$45,000,000 on this income guaranty, and at the end will have nothing to show for it.

It seems to me that business considerations ought to control us in this matter, whether it be a spontaneous or an enforced benevolence. We are endeavoring to legislate in the interest of these people, and their interest means that we should make the annual charge of these railroads upon their labor and industry as small as possible, and that we should give profit, if we give it at all, not to private individuals, but to the Philippine government and to the Philippine people. Thus, without incurring any further obligation than is incurred under the operation of this bill, without imposing any further burden upon the people of these islands than is provided for by this bill, a burden in the shape of rates for freight and fares, we will secure to them in the ultimate the absolute ownership of all the property into which this large sum goes.

Mr. DIETRICH. I offer an amendment to the pending bill, which I ask to have printed and lie on the table.

The PRESIDENT pro tempore. The amendment will be printed and lie on the table.

Mr. LODGE. As I am perfectly certain that in the two days which remain we are not going to undertake to fix freight rates for unbuilt railroads, and I am equally certain that we shall not be guilty of the cruelty of imposing on the Philippine Islanders experiments in scientific taxation formulated by Congress, and I know we are not going to enter on Government ownership, I shall not undertake to answer the Senator from Nevada; but I will simply move that the Senate proceed to the consideration of executive business.

Mr. KEAN. Will the Senator from Massachusetts withhold his motion for a moment?

Mr. LODGE. I will do so.

LUCY WARDEN.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution, submitted this day by Mr. FORAKER, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Lucy Warden, widow of Clifford

Warden, late assistant librarian of the Senate of the United States, a sum equal to six months' salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

EXECUTIVE SESSION.

Mr. LODGE. Before the motion for an executive session is put I desire to give notice that I shall call up the unfinished business to-morrow immediately after the routine morning business, and I shall do the same on Friday, so that all the time possible may be given to the Senate for further debate.

I now renew my motion for an executive session.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twelve minutes spent in executive session the doors were reopened, and (at 4 o'clock and 53 minutes p. m.) the Senate adjourned until to-morrow, Thursday, December 15, 1904, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 14, 1904.

MARSHAL.

Clinton D. MacDougall, of New York, to be United States marshal for the northern district of New York. A reappointment, his term expiring on January 8, 1905.

COLLECTOR OF CUSTOMS.

Sherman T. Newton, of New Hampshire, to be collector of customs for the district of Portsmouth, in the State of New Hampshire, to succeed Rufus N. Elwell, resigned.

ASSISTANT COMMISSIONER OF INDIAN AFFAIRS.

Charles F. Larrabee, of Portland, Me., to be Assistant Commissioner of Indian Affairs, vice A. Clarke Tonner, resigned.

POSTMASTERS.

CALIFORNIA.

Josiah R. Baker to be postmaster at Antioch, in the county of Contra Costa and State of California, in place of Josiah R. Baker. Incumbent's commission expired December 10, 1904.

George W. Stevens to be postmaster at Benicia, in the county of Solano and State of California, in place of Charles Durner. Incumbent's commission expired December 10, 1904.

ILLINOIS.

Henry C. Bogue to be postmaster at Vermont, in the county of Fulton and State of Illinois, in place of Henry C. Bogue. Incumbent's commission expires December 20, 1904.

Swan J. Chilberg to be postmaster at Cambridge, in the county of Henry and State of Illinois, in place of Swan J. Chilberg. Incumbent's commission expires December 20, 1904.

Oscar H. Harpham to be postmaster at Havana, in the county of Mason and State of Illinois, in place of Oscar H. Harpham. Incumbent's commission expired December 19, 1903.

Charles G. Watrous to be postmaster at Waukegan, in the county of Lake and State of Illinois, in place of Clarence A. Murray, deceased.

INDIAN TERRITORY.

Stephen A. Douglas to be postmaster at Ardmore, in district 21, Indian Territory, in place of David Redfield. Incumbent's commission expires December 20, 1904.

MASSACHUSETTS.

William F. Wiley to be postmaster at Peabody, in the county of Essex and State of Massachusetts, in place of William F. Wiley. Incumbent's commission expired March 6, 1904.

MINNESOTA.

Lewis O. Norheim to be postmaster at Montevideo, in the county of Chippewa and State of Minnesota, in place of Frank E. Bentley, resigned.

MISSOURI.

Edward D. Lowe to be postmaster at Cuba, in the county of Crawford and State of Missouri. Office became Presidential October 1, 1904.

Edgar W. Prentiss to be postmaster at Bethany, in the county of Harrison and State of Missouri, in place of Edgar W. Prentiss. Incumbent's commission expires December 20, 1904.

NEW JERSEY.

Charlotte Ketcham to be postmaster at Belvidere, in the county of Warren and State of New Jersey, in place of Josiah Ketcham, deceased.

NEW YORK.

F. A. Davis to be postmaster at Fort Edward, in the county of Washington and State of New York, in place of Alfred C. Hodgman. Incumbent's commission expired December 10, 1904.

Herbert B. Eaton to be postmaster at Youngstown, in the

county of Niagara and State of New York. Office became Presidential October 1, 1904.

NORTH DAKOTA.

Francis R. Cruden to be postmaster at McHenry, in the county of Foster and State of North Dakota. Office became Presidential July 1, 1904.

Millard F. Kepner to be postmaster at New Rockford, in the county of Eddy and State of North Carolina, in place of Millard F. Kepner. Incumbent's commission expired February 5, 1904.

OHIO.

Benjamin F. Jackson to be postmaster at Clyde, in the county of Sandusky and State of Ohio, in place of Benjamin F. Jackson. Incumbent's commission expired March 3, 1903.

John A. Koeper to be postmaster at New Bremen, in the county of Auglaize and State of Ohio, in place of Albert C. Buss, removed.

Edmund L. McCalley to be postmaster at Middletown, in the county of Butler and State of Ohio, in place of William M. Sullivan. Incumbent's commission expired June 5, 1904.

William B. Wallace to be postmaster at Oxford, in the county of Butler and State of Ohio, in place of William B. Wallace. Incumbent's commission expires December 20, 1904.

OREGON.

Frank G. Jewett to be postmaster at Sumpter, in the county of Baker and State of Oregon, in place of Frank G. Jewett. Incumbent's commission expires December 20, 1904.

SOUTH DAKOTA.

William F. Bancroft to be postmaster at Wessington Springs, in the county of Jerauld and State of South Dakota. Office became Presidential October 1, 1904.

VERMONT.

Lewis A. Skiff to be postmaster at Middlebury, in the county of Addison and State of Vermont, in place of Lewis A. Skiff. Incumbent's commission expires December 20, 1904.

WEST VIRGINIA.

Grace O. Montgomery to be postmaster at Tunnelton, in the county of Preston and State of West Virginia, in place of Samuel B. Montgomery, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 14, 1904.

ASSISTANT SECRETARY OF AGRICULTURE.

Willet M. Hays, of the State of Minnesota, to be Assistant Secretary of Agriculture.

SURVEYOR-GENERAL OF ALASKA.

William L. Distin, of Illinois, to be surveyor-general of Alaska.

SUPERVISING INSPECTOR OF STEAM VESSELS.

Ira Harris, of New Jersey, who was appointed October 26, 1904, during the recess of the Senate, to be supervising inspector of steam vessels for the second steamboat-inspection district, in the Department of Commerce and Labor.

RECEIVERS OF PUBLIC MONEYS.

Mathias N. Koll, of Alexandria, Minn., who was appointed August 2, 1904, during the recess of the Senate, to be receiver of public moneys at Cass Lake, Minn.

Julius H. Weiss, of Del Norte, Colo., who was appointed August 26, 1904, during the recess of the Senate, to be receiver of public moneys at Del Norte, Colo.

Sidney R. De Long, of Tucson, Ariz., who was appointed July 30, 1904, during the recess of the Senate, to be receiver of public moneys at Tucson, Ariz.

REGISTERS OF LAND OFFICES.

Dick T. Morgan, of El Reno, Okla., who was appointed November 23, 1904, during the recess of the Senate, to be register of the land office at Woodward, Okla.

John E. Watson, of Boonville, Mo., who was appointed November 14, 1904, during the recess of the Senate, to be register of the land office at Boonville, Mo.

Egbert S. Oakley, of Buffalo, Minn., who was appointed August 2, 1904, during the recess of the Senate, to be register of the land office at Cass Lake, Minn.

COLLECTOR OF CUSTOMS.

Sherman T. Newton, of New Hampshire, to be collector of customs for the district of Portsmouth, in the State of New Hampshire.

POSTMASTERS.

CALIFORNIA.

Alfred R. Booth to be postmaster at Paso Robles, in the county of San Luis Obispo and State of California.

Vivian Tresslar to be postmaster at Fullerton, in the county of Orange and State of California.

CONNECTICUT.

Alexander B. Gardner to be postmaster at Milford, in the county of New Haven and State of Connecticut.

IDAHO.

Alfred J. Dunn to be postmaster at Wallace, in the county of Shoshone and State of Idaho.

Julia A. Garber to be postmaster at Grangeville, in the county of Idaho and State of Idaho.

Edna P. Madden to be postmaster at Burke, in the county of Shoshone and State of Idaho.

ILLINOIS.

John F. Ashwill to be postmaster at Toledo, in the county of Cumberland and State of Illinois.

Joseph G. Greeson to be postmaster at Greenup, in the county of Cumberland and State of Illinois.

INDIANA.

Phineas O. Small to be postmaster at Laporte, in the county of Laporte and State of Indiana.

INDIAN TERRITORY.

Millard C. Faulkner to be postmaster at Caddo, in district 23, Indian Territory.

Alice M. Robertson to be postmaster at Muskogee, in district 10, Indian Territory.

IOWA.

William L. Comstock to be postmaster at Mechanicsville, in the county of Cedar and State of Iowa.

George H. Otis to be postmaster at Monona, in the county of Clayton and State of Iowa.

Charles Smith to be postmaster at Clarence, in the county of Cedar and State of Iowa.

KANSAS.

Eva B. Milligan to be postmaster at White City, in the county of Morris and State of Kansas.

Jared C. Richcreek to be postmaster at Oswego, in the county of Labette and State of Kansas.

KENTUCKY.

Clarence H. Wilson to be postmaster at Sturgis, in the county of Union and State of Kentucky.

MAINE.

Edward B. Buck to be postmaster at Foxcroft, in the county of Piscataquis and State of Maine.

Elliott Wood to be postmaster at Winthrop, in the county of Kennebec and State of Maine.

MISSISSIPPI.

David G. Dunlap to be postmaster at Sardis, in the county of Panola and State of Mississippi.

Laura M. Gowdy to be postmaster at Batesville, in the county of Panola and State of Mississippi.

Fannie Hillerman to be postmaster at Kosciusko, in the county of Attala and State of Mississippi.

Samuel M. Howry to be postmaster at Oxford, in the county of Lafayette and State of Mississippi.

Nannie B. Richardson to be postmaster at Woodville, in the county of Wilkinson and State of Mississippi.

Edward M. Scott to be postmaster at Rosedale, in the county of Bolivar and State of Mississippi.

Augustus S. Weigert to be postmaster at Grenada, in the county of Grenada and State of Mississippi.

MISSOURI.

John W. Key to be postmaster at Mountain Grove, in the county of Wright and State of Missouri.

Albert T. McAdow to be postmaster at Lamar, in the county of Barton and State of Missouri.

MONTANA.

Arthur G. Foster to be postmaster at Columbia Falls, in the county of Flathead and State of Montana.

NEW HAMPSHIRE.

Joseph H. Avery to be postmaster at Milton, in the county of Strafford and State of New Hampshire.

NEW JERSEY.

Albert M. Bradshaw to be postmaster at Lakewood, in the county of Ocean and State of New Jersey.

NEW YORK.

Jay Jackson to be postmaster at Pine Plains, in the county of Dutchess and State of New York.

George A. McKinnon to be postmaster at Sidney, in the county of Delaware and State of New York.

Albert P. Seaton to be postmaster at New Hartford, in the county of Oneida and State of New York.

OHIO.

J. K. Allen to be postmaster at Greenwich, in the county of Huron and State of Ohio.

Ford Lanning to be postmaster at Norwalk, in the county of Huron and State of Ohio.

Lawrence R. Watts to be postmaster at London, in the county of Madison and State of Ohio.

PORTO RICO.

Jose Carrera to be postmaster at Humacao, in the province of Humacao, Porto Rico.

Ramon A. Rivera to be postmaster at Arecibo, in the county of Arecibo and Territory of Porto Rico.

RHODE ISLAND.

Edward W. Jones to be postmaster at River Point, in the county of Kent and State of Rhode Island.

SOUTH CAROLINA.

J. R. McClue to be postmaster at Bishopville, in the county of Lee and State of South Carolina.

TENNESSEE.

Jasper N. Fitzwater to be postmaster at Collierville, in the county of Shelby and State of Tennessee.

William H. Hollinger to be postmaster at Waverly, in the county of Humphreys and State of Tennessee.

Thomas J. Lovell to be postmaster at Obion, in the county of Obion and State of Tennessee.

John Redd to be postmaster at Bolivar, in the county of Hardeman and State of Tennessee.

Rufus Rutherford to be postmaster at Clinton, in the county of Anderson and State of Tennessee.

UTAH.

James Clove to be postmaster at Provo (late Provo City), in the county of Utah and State of Utah.

Jonathan S. Page, jr., to be postmaster at Payson, in the county of Utah and State of Utah.

George H. Richards to be postmaster at Sunnyside, in the county of Carbon and State of Utah.

WASHINGTON.

William L. Shearer to be postmaster at Toppenish, in the county of Yakima and State of Washington.

Harry C. Bilger to be postmaster at Cle Elum (late Clealum), in the county of Kittitas and State of Washington.

WISCONSIN.

Robert Johnson to be postmaster at Mellen, in the county of Ashland and State of Wisconsin.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, December 14, 1904.

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

SWAYNE IMPEACHMENT.

The SPEAKER announced the following gentlemen as members of the committee for the preparation of articles of impeachment against Judge Charles Swayne: Messrs. PALMER, GILLET of California, PARKER, LITTLEFIELD, POWERS of Massachusetts, CLAYTON, and DE ARMOND.

ENCOURAGEMENT OF RIFLE PRACTICE.

Mr. HULL. Mr. Speaker, I ask unanimous consent that the bill (H. R. 15894) to encourage rifle practice and excellence in marksmanship among citizens of the United States, so as to render them quickly available for efficient service in time of war, may be withdrawn from the files and any order for printing the same vacated. I desire to say in explanation of this that it is a bill that came to me, as chairman of the Committee on Military Affairs, from the War Department, officially transmitted, and was introduced by me, as a matter of course, without reading. That was a mistake on my part. I should have read the bill before introducing it. It is for the encouragement of rifle practice, but there are only two pages of the bill proposed to be enacted and about seven pages of argument why it should be enacted. The argument has no place in the bill, and should never have been introduced in the House. While I am probably to blame for taking it as a matter of course from the Department, I can not help believing that the head of the Department himself was imposed upon when he officially trans-